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To: Judiciary

COMMITTEE SUBSTITUTE  
FOR  
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 43-21-151,  
29 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT A BOMB THREAT MADE BY A  
30 MINOR SHALL BE A FELONY IN THE ORIGINAL JURISDICTION OF THE  
31 CIRCUIT COURT TO BE TRIED AS AN ADULT MATTER; AND FOR RELATED  
32 PURPOSES.

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

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

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

38 37-3-81. The Department of Education, using only existing  
39 staff and resources, shall establish and maintain a School Safety

40 Center, which shall operate a statewide information clearinghouse  
41 that: (a) provides assistance to school districts and communities  
42 during school crises; and (b) provides technical assistance,  
43 training and current resources to public school officials and  
44 parents who need assistance in researching, developing and  
45 implementing school safety plans and in maintaining a safe school  
46 environment.

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

49 37-3-83. (1) There is established within the State  
50 Department of Education, using only existing staff and resources,  
51 a School Safety Grant Program, available to all eligible public  
52 school districts, to assist in financing programs to provide  
53 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, school grounds 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  
103 audio/visual-monitoring equipment in classrooms, hallways,  
104 buildings, grounds and buses for the purpose of monitoring school  
105 disciplinary problems.

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

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

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

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

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

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

137           (e) The request made by a school district to access the  
138 services of a response team following a school safety incident may

139 seek a review of the local school district's safety plan, and the  
140 results of this evaluation may be published by the local school  
141 board in a newspaper with wide circulation in the district.

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

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

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

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

171           (a) The term "disruptive behavior" means conduct of a  
172 student that is so unruly, disruptive or abusive that it seriously  
173 interferes with a school teacher's or school administrator's  
174 ability to communicate with the students in a classroom, with a  
175 student's ability to learn, or with the operation of a school or  
176 school-related activity, and which is not covered by other laws  
177 related to violence or possession of weapons or controlled  
178 substances on school property, school vehicles or at  
179 school-related activities. Such behaviors include, but are not  
180 limited to: foul, profane, obscene, threatening, defiant or  
181 abusive language or action toward teachers or other school  
182 employees; defiance, ridicule or verbal attack of a teacher; and  
183 willful, deliberate and overt acts of disobedience of the  
184 directions of a teacher; and

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

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

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

203           37-11-55. The local school board shall adopt and make  
204 available to all teachers, school personnel, students and parents  
205 or guardians, at the beginning of \* \* \* each school year \* \* \*, a  
206 code of student conduct developed in consultation with teachers,  
207 school personnel, students and parents or guardians. The code  
208 shall be based on the rules governing student conduct and  
209 discipline adopted by the school board and shall be made available  
210 at the school level in the student handbook or similar  
211 publication. The code shall include, but not be limited to:

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

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

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

222           (d) Policies and procedures recognizing the teacher as  
223 the authority in classroom matters, and supporting that teacher in  
224 any decision in compliance with the written discipline code of  
225 conduct; such recognition shall include the right of the teacher,  
226 subject to the approval of the principal, to remove from the  
227 classroom any student who, in the professional judgment of the  
228 teacher, is disrupting the learning environment, to a facility  
229 within the school where the student will remain until the parent,  
230 guardian or custodian of the student is notified. If the  
231 principal does not approve of the determination of the teacher to  
232 remove the student from the classroom, the student may not be  
233 removed from the classroom, and the principal must provide written  
234 justification for his disapproval to the teacher. A student who  
235 is removed from the classroom may not be returned to the classroom

236 until a conference has been held with the parent, guardian or  
237 custodian during which the disrupting behavior is discussed and  
238 agreements are reached that no further disruption will be  
239 tolerated;

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

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

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

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

253 37-11-53. (1) A copy of the school district's discipline  
254 plan shall be distributed to each student enrolled in the  
255 district, and the parents, guardian or custodian of such student  
256 shall sign a statement verifying that they have been given notice  
257 of the discipline policies of their respective school district.  
258 The school board shall have its official discipline plan and code  
259 of student conduct legally audited on an annual basis to insure  
260 that its policies and procedures are currently in compliance with  
261 applicable statutes, case law and state and federal constitutional  
262 provisions. As part of the first legal audit occurring after July  
263 1, 2001, the provisions of this section, Section 37-11-55 and  
264 Section 6 of Senate Bill No. 2239, 2001 Regular Session, shall be  
265 fully incorporated into the school district's discipline plan and  
266 code of student conduct.

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



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

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

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

287 (d) A parent, guardian or custodian of a  
288 compulsory-school-age child enrolled in a public school district  
289 shall be responsible for any criminal fines brought against such  
290 student for unlawful activity \* \* \* occurring on school grounds or  
291 buses.

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

300 (4) Any public school district shall be entitled to recover  
301 damages in an amount not to exceed Twenty Thousand Dollars

302 (\$20,000.00), plus necessary court costs, from the parents of any  
303 minor under the age of eighteen (18) years and over the age of six  
304 (6) years, who maliciously and willfully damages or destroys  
305 property belonging to such school district. However, this section  
306 shall not apply to parents whose parental control of such child  
307 has been removed by court order or decree. The action authorized  
308 in this section shall be in addition to all other actions which  
309 the school district is entitled to maintain and nothing in this  
310 section shall preclude recovery in a greater amount from the minor  
311 or from a person, including the parents, for damages to which such  
312 minor or other person would otherwise be liable.

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

323 SECTION 9. Section 43-21-151, Mississippi Code of 1972, is  
324 amended as follows:

325 43-21-151. (1) The youth court shall have exclusive  
326 original jurisdiction in all proceedings concerning a delinquent  
327 child, a child in need of supervision, a neglected child, an  
328 abused child or a dependent child except in the following  
329 circumstances:

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

334           (b) Any act attempted or committed by a child with the  
335 use of a deadly weapon, the carrying of which concealed is  
336 prohibited by Section 97-37-1, or a shotgun or a rifle, or any act  
337 making or attempting to make a false bomb report by a child in  
338 violation of Section 97-37-21, which would be a felony if  
339 committed by an adult, will be in the original jurisdiction of the  
340 circuit court; and

341           (c) When a charge of abuse of a child first arises in  
342 the course of a custody action between the parents of the child  
343 already pending in the chancery court and no notice of such abuse  
344 was provided prior to such chancery proceedings, the chancery  
345 court may proceed with the investigation, hearing and  
346 determination of such abuse charge as a part of its hearing and  
347 determination of the custody issue as between the parents,  
348 notwithstanding the other provisions of the Youth Court Law. The  
349 proceedings in chancery court on the abuse charge shall be  
350 confidential in the same manner as provided in youth court  
351 proceedings.

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

355           (2) Jurisdiction of the child in the cause shall attach at  
356 the time of the offense and shall continue thereafter for that  
357 offense until the child's twentieth birthday, unless sooner  
358 terminated by order of the youth court. The youth court shall not  
359 have jurisdiction over offenses committed by a child on or after  
360 his eighteenth birthday, or over offenses committed by a child on  
361 or after his seventeenth birthday where such offenses would be a  
362 felony if committed by an adult.

363           (3) No child who has not reached his thirteenth birthday  
364 shall be held criminally responsible or criminally prosecuted for  
365 a misdemeanor or felony; however, the parent, guardian or  
366 custodian of such child may be civilly liable for any criminal

367 acts of such child. No child under the jurisdiction of the youth  
368 court shall be held criminally responsible or criminally  
369 prosecuted by any court for any act designated as a delinquent  
370 act, unless jurisdiction is transferred to another court under  
371 Section 43-21-157.

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

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

378 SECTION 10. This act shall take effect and be in force from  
379 and after July 1, 2001.