To: Judiciary

MISSISSIPPI LEGISLATURE                         REGULAR SESSION 2001

By: Senator(s) Little, King, Farris, Burton, Johnson (19th), Smith, Hyde-Smith, Dearing, Ross, Hewes, Jordan, Furniss, Chaney, Gollott, Mettetal, White (29th), Carlton, Tollison, Chamberlin, Kirby, Scooper, Lee, Carmichael, Dawkins, Stogner, Browning, Harvey, Cuevas, Gordon, Thames

SENATE BILL NO. 2239
(As Sent to Governor)

AN ACT ENTITLED THE "MISSISSIPPI SCHOOL SAFETY ACT OF 2001";
TO AMEND SECTIONS 37-3-81 AND 37-3-83, MISSISSIPPI CODE OF 1972,
TO REQUIRE THE STATE DEPARTMENT OF EDUCATION TO ESTABLISH A SCHOOL
SAFETY CENTER TO PROVIDE TECHNICAL AND CRISIS ASSISTANCE TO SCHOOL
DISTRICTS, TO REQUIRE LOCAL SCHOOL DISTRICTS TO ADOPT
COMPREHENSIVE SCHOOL SAFETY PLANS, AND TO AUTHORIZE SCHOOL SAFETY
GRANTS TO LOCAL SCHOOL DISTRICTS TO FINANCE CERTAIN PROGRAMS TO
PROVIDE SCHOOL SAFETY; TO ESTABLISH A SCHOOL CRISIS MANAGEMENT
PROGRAM WITHIN THE STATE DEPARTMENT OF EDUCATION, TO PROVIDE FOR A TEAM OF PROFESSIONAL INDIVIDUALS TO RESPOND TO TRAUMATIC OR
VIOLENT SITUATIONS THAT IMPACT STUDENTS AND FACULTY IN THE PUBLIC SCHOOLS, TO PROVIDE PROCEDURES FOR THE OPERATION OF THE PROGRAM,
AND TO AUTHORIZE FUNDING FOR THE PROGRAM; TO AMEND SECTION
37-11-54, MISSISSIPPI CODE OF 1972, AS CREATED BY SENATE BILL NO. 2390, 2001 REGULAR SESSION, WHICH REQUIRES THE STATE BOARD OF EDUCATION TO DEVELOP CONFLICT RESOLUTION AND PEER MEDIATION MODELS AND CURRICULA FOR THE PUBLIC SCHOOLS; TO REQUIRE THE AUTOMATIC EXPULSION OF A STUDENT WHO IS 13 YEARS OF AGE OR OLDER ON THE THIRD OCCURRENCE OF HABITUALLY DISRUPTIVE BEHAVIOR DURING A SCHOOL YEAR; TO DEFINE THE TERMS "DISRUPTIVE BEHAVIOR" AND "HABITUALLY DISRUPTIVE"; 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 CERTAIN PROVISIONS RELATING TO AUTOMATIC EXPULSION 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. This act shall be known and may be cited as the "Mississippi School Safety Act of 2001."

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

37-3-81. The Department of Education, using only existing staff and resources, shall establish and maintain a School Safety Center, which shall operate a statewide information clearinghouse.
that: (a) provides assistance to school districts and communities during school crises; and (b) provides technical assistance, training and current resources to public school officials and parents who need assistance in researching, developing and implementing school safety plans and in maintaining a safe school environment. However, no monies from the Temporary Assistance for Needy Families grant may be used for the School Safety Center.

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

37-3-83. (1) There is established within the State Department of Education, using only existing staff and resources, a School Safety Grant Program, available to all eligible public school districts, to assist in financing programs to provide school safety. However, no monies from the Temporary Assistance for Needy Families grant may be used for the School Safety Grant Program.

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

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

(a) Metal detectors;

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

(c) Crisis management/action teams responding to school violence; ** **
(d) Violence prevention training, conflict resolution training, and other appropriate training designated by the State Department of Education for faculty and staff; and

(e) School safety personnel.

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

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

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

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

(c) Enable teachers to review teaching performance and receive diagnostic feedback for developmental purposes.
Any local school district may use audio/visual-monitoring equipment in classrooms, hallways, buildings, grounds and buses for the purpose of monitoring school disciplinary problems.

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

SECTION 4. (1) Subject to the availability of funding specifically appropriated for such purpose, there is established a School Crisis Management Program under the State Department of Education. This program is to be initiated and executed by the department using only existing staff and resources. Under this program, the State Department of Education shall create an office making available a quick response team of personnel trained in school safety and crisis management to respond to traumatic or violent situations that impact students and faculty in the public schools in Mississippi. The School Crisis Management Program shall operate in accordance with the following:

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

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

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

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

(e) The request made by a school district to access the services of a response team following a school safety incident may seek a review of the local school district's safety plan, and the results of this evaluation may be published by the local school board in a newspaper with wide circulation in the district.

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

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

(3) This section shall be repealed on July 1, 2003.

SECTION 5. Section 37-11-54, Mississippi Code of 1972, as created by Senate Bill No. 2390, 2001 Regular Session, is amended as follows:

37-11-54. The State Board of Education, using only existing staff and resources, shall develop a list of recommended conflict resolution and mediation materials, models and curricula that address responsible decision making, the causes and effects of school violence and harassment, cultural diversity, and nonviolent methods for resolving conflict, including peer mediation, and shall make the list available to local school administrative units and school buildings before the beginning of the 2002-2003 school year. However, no monies from the Temporary Assistance for Needy Families grant may be used for developing this list. In
developing this list, the board shall emphasize materials, models and curricula that currently are being used in Mississippi and which the board determines to be effective. The board shall include at least one (1) model that includes instruction and guidance for the voluntary implementation of peer mediation programs and one (1) model that provides instruction and guidance for teachers concerning the integration of conflict resolution and mediation lessons into the existing classroom curriculum.

This section shall be repealed on July 1, 2003.

SECTION 6. (1) 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-related activity, and which is not covered by other laws related to violence or 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, threatening, defiant or abusive language or action 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" refers to such actions of a student which cause 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, and to 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 considered to be habitually disruptive before the development of a behavior modification plan for the student in accordance with
the code of student conduct and discipline plans of the school district.

(2) Any student who is thirteen (13) years of age or older for whom a behavior modification plan is developed by the school principal, reporting teacher and student's parent and which student does not comply with the plan shall be deemed habitually disruptive and subject to automatic expulsion on the occurrence of the third act of disruptive behavior during a school year. After the second act of disruptive behavior during a school year by a student who is younger than thirteen (13) years of age, a psychological evaluation shall be performed upon the child.

(3) This section shall be repealed on July 1, 2003.

SECTION 7. 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;

(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) 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 the office of the principal or assistant principal. The principal or assistant principal shall determine the proper placement for the student, who may not be returned to the classroom until a conference of some kind 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. If the principal does not approve of the determination of the teacher to remove the student from the classroom, the student may not be removed from the classroom, and the principal, upon request from the teacher, must provide justification for his disapproval. This paragraph (d) shall be repealed on July 1, 2002;

(e) 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;

(f) Procedures for the development of behavior modification plans by the school principal, reporting teacher and student's parent 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; and

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

SECTION 8. 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 first legal audit occurring after July 1, 2001, the provisions of this section, Section 37-11-55 and Section 6 of Senate Bill No. 2239, 2001 Regular Session, 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 the school attendance officer or 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 or the school attendance officer 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 occurring on school grounds or buses.

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