

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, Scoper, Lee, Carmichael, Dawkins, Stogner, Browning, Harvey, Cuevas, Gordon, Thames To: Judiciary

SENATE BILL NO. 2239  
(As Sent to Governor)

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 AMEND SECTION  
14 37-11-54, MISSISSIPPI CODE OF 1972, AS CREATED BY SENATE BILL NO.  
15 2390, 2001 REGULAR SESSION, WHICH REQUIRES THE STATE BOARD OF  
16 EDUCATION TO DEVELOP CONFLICT RESOLUTION AND PEER MEDIATION MODELS  
17 AND CURRICULA FOR THE PUBLIC SCHOOLS; TO REQUIRE THE AUTOMATIC  
18 EXPULSION OF A STUDENT WHO IS 13 YEARS OF AGE OR OLDER ON THE  
19 THIRD OCCURRENCE OF HABITUALLY DISRUPTIVE BEHAVIOR DURING A SCHOOL  
20 YEAR; TO DEFINE THE TERMS "DISRUPTIVE BEHAVIOR" AND "HABITUALLY  
21 DISRUPTIVE"; TO AMEND SECTION 37-11-55, MISSISSIPPI CODE OF 1972,  
22 TO REQUIRE A SCHOOL'S CODE OF STUDENT CONDUCT TO BE MADE AVAILABLE  
23 TO STUDENTS AND TO PRESCRIBE ADDITIONAL POLICIES THAT MUST BE  
24 INCLUDED IN CODES OF STUDENT CONDUCT; TO AMEND SECTION 37-11-53,  
25 MISSISSIPPI CODE OF 1972, TO REQUIRE CERTAIN PROVISIONS RELATING  
26 TO AUTOMATIC EXPULSION TO BE INCORPORATED INTO EACH SCHOOL  
27 DISTRICT'S DISCIPLINE PLAN AND CODE OF STUDENT CONDUCT AT THE NEXT  
28 LEGAL AUDIT OF SUCH PLAN AND TO AUTHORIZE SCHOOL DISTRICTS TO  
29 ALLOW A PARENT TO ACCOMPANY THEIR CHILD TO SCHOOL AS AN  
30 ALTERNATIVE TO THE CHILD'S SUSPENSION; AND FOR RELATED PURPOSES.

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

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

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

36 37-3-81. The Department of Education, using only existing  
37 staff and resources, shall establish and maintain a School Safety  
38 Center, which shall operate a statewide information clearinghouse

39 that: (a) provides assistance to school districts and communities  
40 during school crises; and (b) provides technical assistance,  
41 training and current resources to public school officials and  
42 parents who need assistance in researching, developing and  
43 implementing school safety plans and in maintaining a safe school  
44 environment. However, no monies from the Temporary Assistance for  
45 Needy Families grant may be used for the School Safety Center.

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

48 37-3-83. (1) There is established within the State  
49 Department of Education, using only existing staff and resources,  
50 a School Safety Grant Program, available to all eligible public  
51 school districts, to assist in financing programs to provide  
52 school safety. However, no monies from the Temporary Assistance  
53 for Needy Families grant may be used for the School Safety Grant  
54 Program.

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

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

64 (a) Metal detectors;

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

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

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

73 (e) School safety personnel.

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

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

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

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

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

102 \* \* \*

103       (6) Any local school district may use  
104 audio/visual-monitoring equipment in classrooms, hallways,  
105 buildings, grounds and buses for the purpose of monitoring school  
106 disciplinary problems.

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

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

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

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

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

134           (d) The State Department of Education, or its designee,  
135 shall operate a toll-free incoming wide area telephone service for

136 the purpose of receiving reports of suspected cases of school  
137 violence and other traumatic situations impacting on students and  
138 faculty in the public schools.

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

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

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

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

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

159 37-11-54. The State Board of Education, using only existing  
160 staff and resources, shall develop a list of recommended conflict  
161 resolution and mediation materials, models and curricula that  
162 address responsible decision making, the causes and effects of  
163 school violence and harassment, cultural diversity, and nonviolent  
164 methods for resolving conflict, including peer mediation, and  
165 shall make the list available to local school administrative units  
166 and school buildings before the beginning of the 2002-2003 school  
167 year. However, no monies from the Temporary Assistance for Needy  
168 Families grant may be used for developing this list. In

169 developing this list, the board shall emphasize materials, models  
170 and curricula that currently are being used in Mississippi and  
171 which the board determines to be effective. The board shall  
172 include at least one (1) model that includes instruction and  
173 guidance for the voluntary implementation of peer mediation  
174 programs and one (1) model that provides instruction and guidance  
175 for teachers concerning the integration of conflict resolution and  
176 mediation lessons into the existing classroom curriculum.

177 This section shall be repealed on July 1, 2003.

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

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

193 (b) The term "habitually disruptive" refers to such  
194 actions of a student which cause disruption in a classroom, on  
195 school property or vehicles or at a school-related activity on  
196 more than two (2) occasions during a school year, and to  
197 disruptive behavior that was initiated, willful and overt on the  
198 part of the student and which required the attention of school  
199 personnel to deal with the disruption. However, no student shall  
200 be considered to be habitually disruptive before the development  
201 of a behavior modification plan for the student in accordance with

202 the code of student conduct and discipline plans of the school  
203 district.

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

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

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

216 37-11-55. The local school board shall adopt and make  
217 available to all teachers, school personnel, students and parents  
218 or guardians, at the beginning of \* \* \* each school year \* \* \*, a  
219 code of student conduct developed in consultation with teachers,  
220 school personnel, students and parents or guardians. The code  
221 shall be based on the rules governing student conduct and  
222 discipline adopted by the school board and shall be made available  
223 at the school level in the student handbook or similar  
224 publication. The code shall include, but not be limited to:

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

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

230 (c) An explanation of the responsibilities and rights  
231 of students with regard to attendance, respect for persons and  
232 property, knowledge and observation of rules of conduct, \* \* \*  
233 free speech and student publications, assembly, privacy and  
234 participation in school programs and activities;

235           (d) Policies and procedures recognizing the teacher as  
236 the authority in classroom matters, and supporting that teacher in  
237 any decision in compliance with the written discipline code of  
238 conduct; such recognition shall include the right of the teacher  
239 to remove from the classroom any student who, in the professional  
240 judgment of the teacher, is disrupting the learning environment,  
241 to the office of the principal or assistant principal. The  
242 principal or assistant principal shall determine the proper  
243 placement for the student, who may not be returned to the  
244 classroom until a conference of some kind has been held with the  
245 parent, guardian or custodian during which the disrupting behavior  
246 is discussed and agreements are reached that no further disruption  
247 will be tolerated. If the principal does not approve of the  
248 determination of the teacher to remove the student from the  
249 classroom, the student may not be removed from the classroom, and  
250 the principal, upon request from the teacher, must provide  
251 justification for his disapproval. This paragraph (d) shall be  
252 repealed on July 1, 2002;

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

256           (f) Procedures for the development of behavior  
257 modification plans by the school principal, reporting teacher and  
258 student's parent for a student who causes a disruption in the  
259 classroom, on school property or vehicles, or at school-related  
260 activities for a second time during the school year; and

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

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

266           37-11-53. (1) A copy of the school district's discipline  
267 plan shall be distributed to each student enrolled in the



268 district, and the parents, guardian or custodian of such student  
269 shall sign a statement verifying that they have been given notice  
270 of the discipline policies of their respective school district.  
271 The school board shall have its official discipline plan and code  
272 of student conduct legally audited on an annual basis to insure  
273 that its policies and procedures are currently in compliance with  
274 applicable statutes, case law and state and federal constitutional  
275 provisions. As part of the first legal audit occurring after July  
276 1, 2001, the provisions of this section, Section 37-11-55 and  
277 Section 6 of Senate Bill No. 2239, 2001 Regular Session, shall be  
278 fully incorporated into the school district's discipline plan and  
279 code of student conduct.

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

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

286 (b) A parent, guardian or custodian of a  
287 compulsory-school-age child enrolled in a public school district  
288 may be requested to appear at school by the school attendance  
289 officer or an appropriate school official for a conference  
290 regarding acts of the child specified in paragraph (a) of this  
291 subsection, or for any other discipline conference regarding the  
292 acts of the child;

293 (c) Any parent, guardian or custodian of a  
294 compulsory-school-age child enrolled in a school district who  
295 refuses or willfully fails to attend such discipline conference  
296 specified in paragraph (b) of this section may be summoned by  
297 proper notification by the superintendent of schools or the school  
298 attendance officer and be required to attend such discipline  
299 conference; and

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

305 (3) Any parent, guardian or custodian of a  
306 compulsory-school-age child who (a) fails to attend a discipline  
307 conference to which such parent, guardian or custodian has been  
308 summoned under the provisions of this section, or (b) refuses or  
309 willfully fails to perform any other duties imposed upon him or  
310 her under the provisions of this section, shall be guilty of a  
311 misdemeanor and, upon conviction, shall be fined not to exceed Two  
312 Hundred Fifty Dollars (\$250.00).

313 (4) Any public school district shall be entitled to recover  
314 damages in an amount not to exceed Twenty Thousand Dollars  
315 (\$20,000.00), plus necessary court costs, from the parents of any  
316 minor under the age of eighteen (18) years and over the age of six  
317 (6) years, who maliciously and willfully damages or destroys  
318 property belonging to such school district. However, this section  
319 shall not apply to parents whose parental control of such child  
320 has been removed by court order or decree. The action authorized  
321 in this section shall be in addition to all other actions which  
322 the school district is entitled to maintain and nothing in this  
323 section shall preclude recovery in a greater amount from the minor  
324 or from a person, including the parents, for damages to which such  
325 minor or other person would otherwise be liable.

326 (5) A school district's discipline plan may provide that as  
327 an alternative to suspension, a student may remain in school by  
328 having the parent, guardian or custodian, with the consent of the  
329 student's teacher or teachers, attend class with the student for a  
330 period of time specifically agreed upon by the reporting teacher  
331 and school principal. If the parent, guardian or custodian does  
332 not agree to attend class with the student or fails to attend

333 class with the student, the student shall be suspended in  
334 accordance with the code of student conduct and discipline  
335 policies of the school district.

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