H. B. No. 666

To: Education

MISSISSIPPI LEGISLATURE
By: Representatives Hines, Bailey, Broomfield, Ellis, Fleming, Wallace

HOUSE BILL NO. 666

AN ACT TO AMEND SECTION 37-11-53, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT IF A PUBLIC SCHOOL STUDENT HAS COMMITTED SOME ACT OR ENGAGED IN SOME CONDUCT FOR WHICH THE STUDENT WOULD OTHERWISE BE SUSPENDED OR EXPELLED UNDER THE SCHOOL DISTRICT'S DISCIPLINE PLAN, AND THE STUDENT HAS NOT PREVIOUSLY BEEN SUBJECT TO DISCIPLINARY ACTION, THEN, AS AN ALTERNATIVE TO SUSPENSION OR EXPULSION, THE STUDENT SHALL BE PERMITTED TO PARTICIPATE IN A COMMUNITY SERVICE PROGRAM SUPERVISED BY THE SCHOOL DISTRICT OR A NONPROFIT ORGANIZATION THAT HAS A COLLABORATIVE RELATIONSHIP WITH THE SCHOOL DISTRICT; TO PROVIDE THAT WHILE PARTICIPATING IN THE PROGRAM, THE STUDENT SHALL RECEIVE YOUTH PEER COUNSELING AS DEEMED APPROPRIATE BY THE SCHOOL DISTRICT; TO PROVIDE THAT UPON SATISFACTORY COMPLETION OF THE COMMUNITY SERVICE PROGRAM THE RECORD OF THE STUDENT'S OFFENSIVE ACT OR CONDUCT SHALL BE EXPUNGED; AND FOR RELATED PURPOSES.

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

SECTION 1. 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 37-11-18.1 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:

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(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
(6) years, who maliciously and willfully damages or destroys property belonging to such school district. However, this section shall not apply to parents whose parental control of such child has been removed by court order or decree. The action authorized in this section shall be in addition to all other actions which the school district is entitled to maintain and nothing in this section shall preclude recovery in a greater amount from the minor or from a person, including the parents, for damages to which such minor or other person would otherwise be liable.

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

(6) If a student has committed some act or engaged in some conduct for which the student would otherwise be suspended or expelled under the school district's discipline plan, and the student has not previously been subject to disciplinary action, then, as an alternative to suspension or expulsion, the student shall be permitted to participate in a community service program of at least forty (40) hours in duration supervised by the school district or a nonprofit organization that has a collaborative relationship with the school district. While participating in the program, the student shall receive youth peer counseling as deemed appropriate by the school district. Upon satisfactory completion of the community service program, as determined by officials of
the school district, the record of the student's offensive act or
conduct shall be expunged.

SECTION 2. This act shall take effect and be in force from
and after July 1, 2003.