

By: Representative Hines

To: Education

HOUSE BILL NO. 914

1 AN ACT TO AMEND SECTION 37-11-53, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT IF A PUBLIC SCHOOL STUDENT WHO HAS NEVER BEEN
3 SUBJECT TO DISCIPLINARY ACTION COMMITS AN ACT OR ENGAGES IN
4 CONDUCT FOR WHICH THE STUDENT OTHERWISE WOULD BE SUSPENDED OR
5 EXPELLED UNDER THE SCHOOL DISTRICT'S DISCIPLINE PLAN, AS AN
6 ALTERNATIVE TO SUSPENSION OR EXPULSION, THE STUDENT MUST BE
7 PERMITTED TO PARTICIPATE IN A COMMUNITY SERVICE PROGRAM SUPERVISED
8 BY THE SCHOOL DISTRICT OR A NONPROFIT ORGANIZATION THAT HAS A
9 COLLABORATIVE RELATIONSHIP WITH THE SCHOOL DISTRICT; TO PROVIDE
10 THAT WHILE PARTICIPATING IN THE PROGRAM, THE STUDENT MUST RECEIVE
11 YOUTH PEER COUNSELING DEEMED APPROPRIATE BY THE SCHOOL DISTRICT;
12 TO PROVIDE THAT UPON SATISFACTORY COMPLETION OF THE COMMUNITY
13 SERVICE PROGRAM, THE STUDENT RECORD OF THE STUDENT'S OFFENSIVE ACT
14 OR CONDUCT MUST BE EXPUNGED; AND FOR RELATED PURPOSES.

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

16 **SECTION 1.** Section 37-11-53, Mississippi Code of 1972, is
17 amended as follows:

18 37-11-53. (1) A copy of the school district's discipline
19 plan shall be distributed to each student enrolled in the
20 district, and the parents, guardian or custodian of such student
21 shall sign a statement verifying that they have been given notice
22 of the discipline policies of their respective school district.
23 The school board shall have its official discipline plan and code
24 of student conduct legally audited on an annual basis to insure
25 that its policies and procedures are currently in compliance with
26 applicable statutes, case law and state and federal constitutional
27 provisions. As part of the first legal audit occurring after July
28 1, 2001, the provisions of this section, Section 37-11-55 and
29 Section 37-11-18.1 shall be fully incorporated into the school
30 district's discipline plan and code of student conduct.

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

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

37 (b) A parent, guardian or custodian of a
38 compulsory-school-age child enrolled in a public school district
39 may be requested to appear at school by the school attendance
40 officer or an appropriate school official for a conference
41 regarding acts of the child specified in paragraph (a) of this
42 subsection, or for any other discipline conference regarding the
43 acts of the child;

44 (c) Any parent, guardian or custodian of a
45 compulsory-school-age child enrolled in a school district who
46 refuses or willfully fails to attend such discipline conference
47 authorized under paragraph (b) of this section may be summoned by
48 proper notification by the local superintendent of schools or the
49 school attendance officer and be required to attend such
50 discipline conference; and

51 (d) A parent, guardian or custodian of a
52 compulsory-school-age child enrolled in a public school district
53 shall be responsible for any criminal fines brought against such
54 student for unlawful activity occurring on school grounds or
55 buses.

56 (3) Any parent, guardian or custodian of a
57 compulsory-school-age child who (a) fails to attend a discipline
58 conference to which such parent, guardian or custodian has been
59 summoned under * * * this section, or (b) refuses or willfully
60 fails to perform any other duties imposed upon him or her
61 under * * * this section, shall be guilty of a misdemeanor and,
62 upon conviction, shall be fined an amount not to exceed Two
63 Hundred Fifty Dollars (\$250.00).

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

66 (\$20,000.00), plus necessary court costs, from the parents of any
67 minor under the age of eighteen (18) years and over the age of six
68 (6) years, who maliciously and willfully damages or destroys
69 property belonging to such school district. However, this section
70 shall not apply to parents whose parental control of such child
71 has been removed by court order or decree. The action authorized
72 in this subsection shall be in addition to all other actions which
73 the school district is entitled to maintain, and nothing in this
74 section shall preclude recovery in a greater amount from the minor
75 or from a person, including the parents, for damages to which such
76 minor or other person would otherwise be liable.

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

87 (6) If a student who has never been subject to disciplinary
88 action commits an act or engages in conduct for which the student
89 otherwise would be suspended or expelled under the school
90 district's discipline plan, as an alternative to suspension or
91 expulsion, the student must be permitted to participate in a
92 community service program of at least forty (40) hours in duration
93 supervised by the school district or a nonprofit organization that
94 has a collaborative relationship with the school district. While
95 participating in the program, the student must receive youth peer
96 counseling deemed appropriate by the school district. Upon
97 satisfactory completion of the community service program, as

98 determined by officials of the school district, the school record
99 of the student's offensive act or conduct must be expunged.

100 **SECTION 2.** This act shall take effect and be in force from
101 and after July 1, 2006.