

By: Representative Hines

To: Education

HOUSE BILL NO. 592

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

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

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

16 37-11-53. (1) A copy of the school district's discipline
17 plan shall be distributed to each student enrolled in the
18 district, and the parents, guardian or custodian of such student
19 shall sign a statement verifying that they have been given notice
20 of the discipline policies of their respective school district.
21 The school board shall have its official discipline plan and code
22 of student conduct legally audited on an annual basis to insure
23 that its policies and procedures are currently in compliance with
24 applicable statutes, case law and state and federal constitutional
25 provisions. * * * The provisions of this section, Section
26 37-11-55 and Section 37-11-18.1 shall be fully incorporated into
27 the school district's discipline plan and code of student conduct.

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

30 (a) A parent, guardian or custodian of a
31 compulsory-school-age child enrolled in a public school district

32 shall be responsible financially for his or her minor child's
33 destructive acts against school property or persons;

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

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

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

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

61 (4) Any public school district shall be entitled to recover
62 damages in an amount not to exceed Twenty Thousand Dollars
63 (\$20,000.00), plus necessary court costs, from the parents of any
64 minor under the age of eighteen (18) years and over the age of six

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

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

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

97 **SECTION 2.** This act shall take effect and be in force from
98 and after July 1, 2007.