

By: Representative Faulkner

To: Youth and Family
Affairs; Education

HOUSE BILL NO. 184

1 AN ACT TO AMEND SECTION 43-21-621, MISSISSIPPI CODE OF 1972,
2 TO LIMIT THE DISCRETIONARY AUTHORITY OF A SCHOOL DISTRICT
3 SUPERINTENDENT TO ASSIGN A CHILD TO AN ALTERNATIVE SCHOOL, WHEN
4 THE YOUTH COURT HAS ORDERED THE CHILD'S ENROLLMENT, TO THOSE
5 INSTANCES WHERE THE CHILD COMMITTED A VIOLENT ACT ON SCHOOL
6 PROPERTY; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 43-21-621, Mississippi Code of 1972, is
9 amended as follows:

10 43-21-621. (1) The youth court may, in compliance with the
11 laws governing education of children, order any state-supported
12 public school in its jurisdiction, after notice and hearing, to
13 enroll or reenroll any compulsory-school-age child in school, and
14 further order appropriate educational services. * * * However,
15 the youth court shall not order the enrollment or reenrollment of
16 a student that has been suspended or expelled by a public school
17 pursuant to Section 37-9-71 or 37-7-301 for possession of a weapon
18 on school grounds, for an offense involving a threat to the safety
19 of other persons or for the commission of a violent act. For the
20 purpose of this section "violent act" means any action which



21 results in death or physical harm to another or an attempt to
22 cause death or physical harm to another. If a violent act
23 committed by the child occurred on school property, as defined in
24 Section 37-11-29(3), the superintendent of the school district to
25 which such child is ordered may, in his discretion, assign such
26 child to the alternative school program of such school established
27 pursuant to Section 37-13-92 * * *. In all other instances, the
28 superintendent must assign the child to a school in the district
29 with the general student population. The court shall have
30 jurisdiction to enforce school and education laws. Nothing in
31 this section shall be construed to affect the attendance of a
32 child in a legitimate home instruction program.

33 (2) The youth court may specify the following conditions of
34 probation related to any juvenile ordered to enroll or reenroll in
35 school: That the juvenile maintain passing grades in up to four
36 (4) courses during each grading period and meet with the court
37 counselor and a representative of the school to make a plan for
38 how to maintain those passing grades.

39 (3) If the adjudication of delinquency was for an offense
40 involving a threat to the safety of the juvenile or others and
41 school attendance is a condition of probation, the youth court
42 judge shall make a finding that the principal of the juvenile's
43 school should be notified. If the judge orders that the principal
44 be notified, the youth court counselor shall within five (5) days
45 or before the juvenile begins to attend school, whichever occurs



46 first, notify the principal of the juvenile's school in writing of
47 the nature of the offense and the probation requirements related
48 to school attendance. A principal notified by a juvenile court
49 counselor shall handle the report according to the guidelines and
50 rules adopted by the State Board of Education.

51 * * *

52 **SECTION 2.** This act shall take effect and be in force from
53 and after July 1, 2018.

