

By: Representative Wooten

To: Education

HOUSE BILL NO. 576

1 AN ACT TO AMEND SECTION 37-11-53, MISSISSIPPI CODE OF 1972,  
 2 TO REQUIRE SCHOOL DISTRICTS TO PROVIDE ALTERNATIVES TO EXPULSION,  
 3 SUSPENSION, IN-SCHOOL SUSPENSION OR AFTER-SCHOOL DETENTION IN THE  
 4 DISCIPLINE PLAN ADOPTED BY THE SCHOOL BOARD; TO PRESCRIBE  
 5 ALTERNATIVES TO BE USED IN COMBATING TRADITIONAL DISCIPLINARY  
 6 ACTIONS THAT REQUIRE INPUT AND PARTICIPATIONS FROM STUDENTS,  
 7 EDUCATIONAL PERSONNEL AND PARENTS ALIKE; TO AMEND SECTIONS  
 8 37-11-54, 37-13-92 AND 37-15-6, MISSISSIPPI CODE OF 1972, IN  
 9 CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

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

13 37-11-53. (1) A copy of the school district's discipline  
 14 plan shall be distributed to each student enrolled in the  
 15 district, and the parents, guardian or custodian of \* \* \* each  
 16 student shall sign a statement verifying that they have been given  
 17 notice of the discipline policies of their respective school  
 18 district. The school board shall have its official discipline  
 19 plan and code of student conduct legally audited on an annual  
 20 basis to insure that its policies and procedures are currently in  
 21 compliance with applicable statutes, case law and state and



22 federal constitutional provisions. \* \* \* The provisions of this  
23 section, Section 37-11-55 and Section 37-11-18.1 shall be fully  
24 incorporated into the school district's discipline plan and code  
25 of student conduct.

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

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

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

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



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

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

59 (4) Any public school district shall be entitled to recover  
60 damages in an amount not to exceed Twenty Thousand Dollars  
61 (\$20,000.00), plus necessary court costs, from the parents of any  
62 minor under the age of eighteen (18) years and over the age of six  
63 (6) years, who maliciously and willfully damages or destroys  
64 property belonging to \* \* \* the school district. However, this  
65 section shall not apply to parents whose parental control of \* \* \*  
66 a child has been removed by court order or decree. The action  
67 authorized in this \* \* \* subsection shall be in addition to all  
68 other actions \* \* \* that the school district is entitled to  
69 maintain and nothing in this section shall preclude recovery in a  
70 greater amount from the minor or from a person, including the



71 parents, for damages \* \* \* which \* \* \* the minor or other person  
72 would otherwise be liable.

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

83 (6) A school district's discipline plan may provide  
84 alternatives to expulsion, suspension, intradisciplinary action by  
85 isolating students subject to discipline to in-school suspension  
86 or after-school detention, which may or may not require a parent's  
87 authorized consent or participation, including, but not limited to  
88 the following:

89 (a) Behavior monitoring which employs a variety of  
90 implemented strategies and techniques that result in positive  
91 feedback and positive reinforcement of appropriate behavior from  
92 teachers and parents that prepare students for self-monitoring  
93 techniques to maintain learning and disciplinary control through  
94 such tools as:



95                   (i) Behavior check sheets for teachers, students  
96 and parents;  
97                   (ii) Behavior charts; and  
98                   (iii) Student feedback sessions which address the  
99 benefits or appropriate behavior and the punitive consequences of  
100 inappropriate behavior;  
101                   (b) Developing a negotiated behavior contract with  
102 individual students who are prone to disciplinary actions and  
103 school district administrative and instructional personnel which  
104 include:  
105                   (i) The specifics of what is expected of the  
106 student and personnel alike and the planned punitive consequences  
107 for any violation of the contract;  
108                   (ii) Provisions reinforcing the benefits for  
109 successful completion of the contract; and  
110                   (iii) Provisions prescribing the punitive  
111 consequences for continuing to engage in inappropriate behavior;  
112                   (c) Offering alternative programming for students at  
113 the secondary level of education by identifying changes in  
114 students' schedules, classes or programs that avoid problem  
115 environments and situations, but continues to permit student  
116 access to curriculum and school through:  
117                   (i) Independent study;  
118                   (ii) Work opportunity and experience;  
119                   (iii) Alternative locations and times; or



120 (iv) Other creative programming alternatives.

121 The changes offered through alternative programming shall be  
122 designed to be specific to individual students' needs and permit  
123 actual accrual and progress towards graduation. Appropriate  
124 procedures must be followed regarding change of placement for  
125 students who have an Individualized Education Program (IEP);

126 (d) Creating a structured, coordinated behavior support  
127 plan specific to the student and based on the function of the  
128 targeted behavior, focusing on:

129 (i) Increasing desirable behavior;

130 (ii) Reinforcing appropriate behavior; and

131 (iii) Withholding reinforcement of targeted  
132 behavior.

133 Data should be collected from the plan to determine the level  
134 of progress being made and whether further assessment or other  
135 alternative intervention strategies need to be included;

136 (e) Providing training to all district personnel,  
137 especially teachers, in appropriate methods to be used to  
138 de-escalate conflict and avoid power struggles;

139 (f) Increasing the amount of positive reinforcement  
140 that occurs in the school setting for any type of appropriate  
141 behavior by students, by ensuring that all district personnel work  
142 to identify, acknowledge and strongly reinforce good behavior  
143 through:



144                   (i) Implementation of positive office referral  
145 systems for good behavior; and

146                   (ii) Special recognition or awards for behavior  
147 that are parallel to academic recognition activities;

148                   (g) Expanding and improving communication with parents,  
149 particularly parents of at-risk students, by exploring options and  
150 opportunities to build relationships with parents and actively  
151 involve them with the school; and

152                   (h) Proactively watching for warning signs that  
153 students are in trouble, such as declining grades and poor  
154 attendance, then intervening to explore and address the problems  
155 before they escalate to disciplinary matters.

156                   **SECTION 2.** Section 37-11-54, Mississippi Code of 1972, is  
157 amended as follows:

158                   37-11-54. The State Board of Education shall develop a list  
159 of recommended conflict resolution and mediation materials, models  
160 and curricula that are developed from evidence-based practices and  
161 positive behavioral intervention supports to address responsible  
162 decision making, the causes and effects of school violence and  
163 harassment, cultural diversity \* \* \* and nonviolent methods for  
164 resolving conflict, including peer mediation, and shall make the  
165 list available to local school administrative units and school  
166 buildings before the beginning of \* \* \* each school year. In  
167 addition, local school boards shall incorporate evidence-based  
168 practices and positive behavioral intervention supports into



169 individual school district policies and Codes of Conduct  
170 consistent with the provisions of Section 37-11-53. In developing  
171 this list, the board shall emphasize materials, models and  
172 curricula that currently are being used in Mississippi and that  
173 the board determines to be effective. The board shall include at  
174 least one (1) model that includes instruction and guidance for the  
175 voluntary implementation of peer mediation programs and one (1)  
176 model that provides instruction and guidance for teachers  
177 concerning the integration of conflict resolution and mediation  
178 lessons into the existing classroom curriculum.

179 **SECTION 3.** Section 37-13-92, Mississippi Code of 1972, is  
180 amended as follows:

181 37-13-92. (1) \* \* \* The school boards of all school  
182 districts shall establish, maintain and operate, in connection  
183 with the regular programs of the school district, an alternative  
184 school program or behavior modification program as defined by the  
185 State Board of Education for, but not limited to, the following  
186 categories of compulsory-school-age students:

187 (a) Any compulsory-school-age child who has been  
188 suspended for more than ten (10) days or expelled from school,  
189 except for any student expelled for possession of a weapon or  
190 other felonious conduct;

191 (b) Any compulsory-school-age child referred to \* \* \*  
192 an alternative school based upon a documented need for placement





193 in the alternative school program by the parent, legal guardian or  
194 custodian of such child due to disciplinary problems;

195 (c) Any compulsory-school-age child referred to \* \* \*  
196 an alternative school program by the dispositive order of a  
197 chancellor or youth court judge, with the consent of the  
198 superintendent of the child's school district;

199 (d) Any compulsory-school-age child whose presence in  
200 the classroom, in the determination of the school superintendent  
201 or principal, is a disruption to the educational environment of  
202 the school \* \* \*. For purposes of this paragraph, the term  
203 "disruption" means intentionally engaging in serious inappropriate  
204 behavior that distracts from teaching and learning, and that  
205 directly affects the safety of others; and

206 (e) No school district is required to place a child  
207 returning from out-of-home placement in the mental health,  
208 juvenile justice or foster care system in alternative school.  
209 Placement of a child in the alternative school shall be done  
210 consistently, and for students identified under the Individuals  
211 with Disabilities Education Act (IDEA), shall adhere to the  
212 requirements of the Individuals with Disabilities Education  
213 Improvement Act of 2004. If a school district chooses to place a  
214 child in alternative school the district will make an individual  
215 assessment and evaluation of that child in the following time  
216 periods:



217 (i) Five (5) days for a child transitioning from a  
218 group home, mental health care system, and/or the custody of the  
219 Department of Human Services, Division of Youth and Family  
220 Services;

221 (ii) Ten (10) days for a child transitioning from  
222 a dispositional placement order by a youth court pursuant to  
223 Section 43-21-605; and

224 (iii) An individualized assessment for youth  
225 transitioning from out-of-home placement to the alternative school  
226 shall include:

227 1. A strength needs assessment.

228 2. A determination of the child's academic  
229 strengths and deficiencies.

230 3. A proposed plan for transitioning the  
231 child to a regular education placement at the earliest possible  
232 date.

233 (2) The principal or program administrator of any such  
234 alternative school program shall require verification from the  
235 appropriate guidance counselor of any such child referred to the  
236 alternative school program regarding the suitability of such child  
237 for attendance at the alternative school program. Before a  
238 student may be removed to an alternative school education program,  
239 the superintendent of the student's school district must determine  
240 that the written and distributed disciplinary policy of the local  
241 district is being followed, and all other alternative disciplinary



242 action contained in the district's disciplinary policy and Code of  
243 Conduct have been exhausted in accordance with Section 37-11-53.

244 The policy shall include standards for:

245 (a) The removal of a student to an alternative  
246 education program that will include a process of educational  
247 review to develop the student's individual instruction plan and  
248 the evaluation at regular intervals of the student's educational  
249 progress; the process shall include classroom teachers and/or  
250 other appropriate professional personnel, as defined in the  
251 district policy, to ensure a continuing educational program for  
252 the removed student;

253 (b) The duration of alternative placement; and

254 (c) The notification of parents or guardians, and their  
255 appropriate inclusion in the removal and evaluation process, as  
256 defined in the district policy. Nothing in this paragraph should  
257 be defined in a manner to circumvent the principal's or the  
258 superintendent's authority to remove a student to alternative  
259 education.

260 (3) The local school board or the superintendent shall  
261 provide for the continuing education of a student who has been  
262 removed to an alternative school program.

263 (4) A school district, in its discretion, may provide a  
264 program of High School Equivalency Diploma preparatory instruction  
265 in the alternative school program. However, any High School  
266 Equivalency Diploma preparation program offered in an alternative



267 school program must be administered in compliance with the rules  
268 and regulations established for such programs under Sections  
269 37-35-1 through 37-35-11 and by the Mississippi Community College  
270 Board. The school district may administer the High School  
271 Equivalency Diploma Testing Program under the policies and  
272 guidelines of the Testing Service of the American Council on  
273 Education in the alternative school program or may authorize the  
274 test to be administered through the community/junior college  
275 district in which the alternative school is situated.

276 (5) Any such alternative school program operated under the  
277 authority of this section shall meet all appropriate accreditation  
278 requirements of the State Department of Education.

279 (6) The alternative school program may be held within such  
280 school district or may be operated by two (2) or more adjacent  
281 school districts, pursuant to a contract approved by the State  
282 Board of Education. When two (2) or more school districts  
283 contract to operate an alternative school program, the school  
284 board of a district designated to be the lead district shall serve  
285 as the governing board of the alternative school program.  
286 Transportation for students attending the alternative school  
287 program shall be the responsibility of the local school district.  
288 The expense of establishing, maintaining and operating such  
289 alternative school program may be paid from funds contributed or  
290 otherwise made available to the school district for such purpose  
291 or from local district maintenance funds.



292           (7) The State Board of Education shall promulgate minimum  
293 guidelines for alternative school programs. The guidelines shall  
294 require, at a minimum, the formulation of an individual  
295 instruction plan for each student referred to the alternative  
296 school program and, upon a determination that it is in a student's  
297 best interest for that student to receive High School Equivalency  
298 Diploma preparatory instruction, that the local school board  
299 assign the student to a High School Equivalency Diploma  
300 preparatory program established under subsection (4) of this  
301 section. The minimum guidelines for alternative school programs  
302 shall also require the following components:

303           (a) Clear guidelines and procedures for placement of  
304 students into alternative education programs which at a minimum  
305 shall prescribe due process procedures for disciplinary and High  
306 School Equivalency Diploma placement;

307           (b) Clear and consistent goals for students and  
308 parents;

309           (c) Curricula addressing cultural and learning style  
310 differences;

311           (d) Direct supervision of all activities on a closed  
312 campus;

313           (e) Attendance requirements that allow for educational  
314 and workforce development opportunities;



315 (f) Selection of program from options provided by the  
316 local school district, Division of Youth Services or the youth  
317 court, including transfer to a community-based alternative school;

318 (g) Continual monitoring and evaluation and formalized  
319 passage from one (1) step or program to another;

320 (h) A motivated and culturally diverse staff;

321 (i) Counseling for parents and students;

322 (j) Administrative and community support for the  
323 program; and

324 (k) Clear procedures for annual alternative school  
325 program review and evaluation.

326 (8) On request of a school district, the State Department of  
327 Education shall provide the district informational material on  
328 developing an alternative school program that takes into  
329 consideration size, wealth and existing facilities in determining  
330 a program best suited to a district.

331 (9) Any compulsory-school-age child who becomes involved in  
332 any criminal or violent behavior shall be removed from such  
333 alternative school program and, if probable cause exists, a case  
334 shall be referred to the youth court.

335 (10) The State Board of Education shall promulgate  
336 guidelines for alternative school programs which provide broad  
337 authority to school boards of local school districts to establish  
338 alternative education programs to meet the specific needs of the  
339 school district.



340 (11) Each school district having an alternative school  
341 program shall submit a report by July 31 of each calendar year to  
342 the State Department of Education describing the results of its  
343 annual alternative school program review and evaluation undertaken  
344 pursuant to subsection (7)(k). The report shall include a  
345 detailed account of any actions taken by the school district  
346 during the previous year to comply with substantive guidelines  
347 promulgated by the State Board of Education under subsection  
348 (7)(a) through (j). In the report to be implemented under this  
349 section, the State Department of Education shall prescribe the  
350 appropriate measures on school districts that fail to file the  
351 annual report. The report should be made available online via the  
352 department's website to ensure transparency, accountability and  
353 efficiency.

354 **SECTION 4.** Section 37-15-6, Mississippi Code of 1972, is  
355 amended as follows:

356 37-15-6. For the purpose of providing notice to public and  
357 private school officials, both within and outside the boundaries  
358 of the state, of the expulsion of any public school student, the  
359 State Department of Education \* \* \* shall develop a central  
360 reporting system for maintaining information concerning each  
361 expulsion from a public school. In establishing and maintaining  
362 the reporting system, the department \* \* \* shall require each  
363 school district and charter school to report, within a certain



364 period of time after an expulsion, as established by the  
365 department, information such as the following:

- 366 (a) The name of the student expelled;
- 367 (b) The date the student was expelled;
- 368 (c) The age of the student at the time of the  
369 expulsion;
- 370 (d) The school from which the student was expelled;
- 371 (e) The reason for the expulsion, including a detailed  
372 description of the student's act or acts;
- 373 (f) The duration of the period of expulsion, if not  
374 indefinite; and
- 375 (g) Any other information, including the use of any  
376 alternative disciplinary action and interventions used by any  
377 affected school before expulsion, that the department deems  
378 necessary for school officials in a public or private school,  
379 where a student is seeking enrollment, to determine whether or not  
380 a student should be denied enrollment based upon a previous  
381 expulsion.

382 Any information maintained by the department under the  
383 authority of this section shall be strictly confidential. The  
384 information shall be available to school officials at a public or  
385 private school only upon their request and only when a student  
386 seeks enrollment or admission to that school. In no case shall  
387 the information be available to the general public.





388           **SECTION 5.** This act shall take effect and be in force from  
389 and after July 1, 2018.

