

By: Harden, Johnson (38th), Little, Minor,
Nunnelee, Frazier, Walls, Jordan, Chamberlin

To: Education;
Appropriations

SENATE BILL NO. 2528
(As Passed the Senate)

1 AN ACT ENTITLED THE "MISSISSIPPI SCHOOL SAFETY ACT OF 2000";
2 TO AMEND SECTIONS 37-3-81 AND 37-11-53, MISSISSIPPI CODE OF 1972,
3 TO DIRECT THE STATE DEPARTMENT OF EDUCATION IN COLLABORATION WITH
4 THE BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING TO
5 ESTABLISH A SCHOOL SAFETY CENTER TO PROVIDE TECHNICAL AND CRISIS
6 ASSISTANCE TO SCHOOL DISTRICTS AND TO REQUIRE LOCAL SCHOOL
7 DISTRICTS TO ADOPT COMPREHENSIVE SCHOOL SAFETY PLANS; TO ESTABLISH
8 A SCHOOL CRISIS MANAGEMENT PROGRAM WITHIN THE STATE DEPARTMENT OF
9 EDUCATION, TO PROVIDE FOR A TEAM OF PROFESSIONAL INDIVIDUALS TO
10 RESPOND TO TRAUMATIC OR VIOLENT SITUATIONS THAT IMPACT STUDENTS
11 AND FACULTY IN THE PUBLIC SCHOOLS; TO PROVIDE PROCEDURES FOR THE
12 OPERATION OF THE PROGRAM AND TO AUTHORIZE FUNDING FOR THE PROGRAM;
13 TO CREATE A NEW SECTION TO BE CODIFIED AS SECTION 37-11-54,
14 MISSISSIPPI CODE OF 1972, TO REQUIRE THE AUTOMATIC EXPULSION OF A
15 HABITUALLY DISRUPTIVE STUDENT ON THE THIRD OCCURRENCE OF
16 DISRUPTIVE BEHAVIOR DURING A SCHOOL YEAR, AND TO DEFINE THE TERMS
17 "DISRUPTIVE BEHAVIOR" AND "HABITUALLY DISRUPTIVE STUDENT"; TO
18 AMEND SECTION 37-11-55, MISSISSIPPI CODE OF 1972, TO REQUIRE A
19 SCHOOL'S CODE OF STUDENT CONDUCT TO BE MADE AVAILABLE TO STUDENTS
20 AND TO PRESCRIBE ADDITIONAL POLICIES THAT MUST BE INCLUDED IN
21 CODES OF STUDENT CONDUCT; TO AMEND SECTION 37-11-53, MISSISSIPPI
22 CODE OF 1972, TO REQUIRE THE PROVISIONS OF THIS ACT TO BE
23 INCORPORATED INTO EACH SCHOOL DISTRICT'S DISCIPLINE PLAN AND CODE
24 OF STUDENT CONDUCT AT THE NEXT LEGAL AUDIT OF SUCH PLAN AND TO
25 AUTHORIZE SCHOOL DISTRICTS TO ALLOW A PARENT TO ACCOMPANY THEIR
26 CHILD TO SCHOOL AS AN ALTERNATIVE TO THE CHILD'S SUSPENSION; TO
27 CODIFY SECTION 37-11-54, MISSISSIPPI CODE OF 1972, TO DIRECT THE
28 STATE BOARD OF EDUCATION TO DEVELOP CONFLICT RESOLUTION AND PEER
29 MEDIATION MODELS AND CURRICULA IN THE PUBLIC SCHOOLS; TO AMEND
30 SECTION 37-11-18, MISSISSIPPI CODE OF 1972, TO ALLOW THE PERIOD OF
31 EXPULSION REQUIRED FOR STUDENTS POSSESSING A WEAPON OR CONTROLLED
32 SUBSTANCE OR COMMITTING A VIOLENT ACT ON EDUCATIONAL PROPERTY TO
33 BE LESS THAN A CALENDAR YEAR; TO AMEND SECTION 37-13-92,
34 MISSISSIPPI CODE OF 1972, TO REQUIRE THE STATE DEPARTMENT OF
35 EDUCATION TO DEVELOP A RISK ASSESSMENT PROCEDURE FOR STUDENTS
36 REFERRED TO ALTERNATIVE SCHOOL PROGRAMS, TO PRESCRIBE ADDITIONAL
37 COMPONENTS THAT MUST BE INCLUDED IN ALTERNATIVE SCHOOL PROGRAMS,
38 TO REQUIRE PERSONNEL IN ALTERNATIVE SCHOOLS TO BE TRAINED IN
39 DISCIPLINE TECHNIQUES, AND TO REQUIRE THE STATE DEPARTMENT OF
40 EDUCATION TO SUBMIT VARIOUS REPORTS TO THE LEGISLATURE CONCERNING
41 ALTERNATIVE SCHOOL PROGRAMS; TO AMEND SECTION 37-13-181,
42 MISSISSIPPI CODE OF 1972, TO PRESCRIBE CERTAIN COMPONENTS OF THE
43 CHARACTER EDUCATION PROGRAMS IN THE PUBLIC SCHOOLS; TO AMEND
44 SECTIONS 37-7-301 AND 37-9-71, MISSISSIPPI CODE OF 1972, TO
45 CLARIFY THE AUTHORITY OF SCHOOL SUPERINTENDENTS, PRINCIPALS AND
46 SCHOOL BOARDS TO SUSPEND OR EXPEL PUPILS FOR CONDUCT THAT RENDERS
47 A PUPIL'S PRESENCE IN THE CLASSROOM DETRIMENTAL TO THE SCHOOL'S
48 EDUCATIONAL ENVIRONMENT OR THE BEST INTEREST OF A CLASS AS A
49 WHOLE; AND FOR RELATED PURPOSES.
50 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

51 SECTION 1. This act shall be known and may be cited as the
52 "Mississippi School Safety Act of 2000."

53 SECTION 2. Section 37-3-81, Mississippi Code of 1972, is
54 amended as follows:

55 37-3-81. (1) The Department of Education, in collaboration
56 with the Board of Trustees of State Institutions of Higher
57 Learning, shall establish and maintain a School Safety Center,
58 which shall operate a statewide information clearinghouse that (a)
59 provides assistance to school districts and communities during
60 school crisis; and (b) provides technical assistance, training and
61 current resources to public school officials and parents who need
62 assistance in researching, developing and implementing school
63 safety plans and in maintaining a safe school environment.

64 (2) The school board of each school district shall, with the
65 assistance of the Department of Education School Safety Center,
66 adopt a comprehensive local school district school safety plan,
67 and update the plan on an annual basis. The local school district
68 safety plan shall be developed by a task force appointed by the
69 local school board which shall include, but not be limited to,
70 representatives of the following: law enforcement, parents,
71 teachers, school counselors, school administrators, physical plant
72 managers, emergency management personnel, the media and the
73 clergy.

74 (3) The State Department of Education shall annually report
75 to the Speaker of the House of Representatives and the Lieutenant
76 Governor on the operation of the School Safety Center, and the
77 status of local school district school safety plans, with any
78 recommendations for expansion or revision of the program.

79 SECTION 3. The following shall be codified as Section
80 37-11-54, Mississippi Code of 1972:

81 37-11-54. (1) This section may be cited as the "Teacher
82 Classroom Control Act of 2000."

83 (2) For the purposes of this section:

84 (a) The term "disruptive behavior" means conduct of a
85 student that is so unruly, disruptive, or abusive that it
86 seriously interferes with a school teacher's or school
87 administrator's ability to communicate with the students in a
88 classroom, with a student's ability to learn, or with the
89 operation of a school or school-sponsored activity, and which are
90 not covered by other laws related to violence, possession of
91 weapons or controlled substances on school property, school
92 vehicles or at school-related activities. Such behaviors include,
93 but are not limited to: foul, profane, obscene or abusive
94 language toward teachers or other school employees; defiance,
95 ridicule or verbal attack of a teacher; and willful, deliberate
96 and overt acts of disobedience of the directions of a teacher; and

97 (b) The term "habitually disruptive student" means a
98 student who has caused disruption in a classroom, on school
99 property or vehicles or at a school-related activity on more than
100 two (2) occasions during a school year, because of disruptive
101 behavior that was initiated, willful and overt on the part of the
102 student and which required the attention of school personnel to
103 deal with the disruption. However, no student shall be declared
104 to be a habitually disruptive student before the development of a
105 remedial discipline plan for the student in accordance with the
106 code of student conduct and discipline plans of the school
107 district.

108 (3) Any student for whom a remedial discipline plan is
109 developed by the school principal and reporting teacher who does
110 not comply with the plan shall be a habitually disruptive student
111 subject to automatic expulsion or referral to the alternative
112 school program on the occurrence of the third act of disruptive
113 behavior during a school year.

114 SECTION 4. Section 37-11-55, Mississippi Code of 1972, is
115 amended as follows:

116 37-11-55. The local school board shall adopt and make

117 available to all teachers, school personnel, students and parents
118 or guardians, at the beginning of * * * each school year * * *, a
119 code of student conduct developed in consultation with teachers,
120 school personnel, students and parents or guardians. The code
121 shall be based on the rules governing student conduct and
122 discipline adopted by the school board and shall be made available
123 at the school level in the student handbook or similar
124 publication. The code shall include, but not be limited to:

125 (a) Specific grounds for disciplinary action under the
126 school district's discipline plan;

127 (b) Procedures to be followed for acts requiring
128 discipline, including suspensions and expulsion, which comply with
129 due process requirements; * * *

130 (c) An explanation of the responsibilities and rights
131 of students with regard to attendance, respect for persons and
132 property, knowledge and observation of rules of conduct, * * *
133 free speech and student publications, assembly, privacy and
134 participation in school programs and activities;

135 (d) An explanation of the students' right to learn in
136 an environment that is conducive to the learning process and free
137 from unnecessary student disruption;

138 (e) Policies and procedures recognizing the teacher as
139 the authority in classroom matters, and supporting that teacher in
140 any decision in compliance with the written discipline code of
141 conduct; such recognition shall include the right of the teacher
142 to remove from the classroom any student who, in the professional
143 judgment of the teacher, is disrupting the learning environment,
144 to a facility within the school where the student will remain
145 until the parent, guardian or custodian of the student is
146 notified. The student may not be returned to the classroom until
147 a conference has been held with the parent, guardian or custodian
148 during which the disrupting behavior is discussed and agreements
149 are reached that no further disruption will be tolerated;

150 (f) Policies and procedures for dealing with a student
151 who causes a disruption in the classroom, on school property or
152 vehicles or at school-related activities;

153 (g) Procedures for the development of remedial
154 discipline plans by the school principal and reporting teacher for
155 a student who causes a disruption in the classroom, on school
156 property or vehicles, or at school-related activities for a second
157 time during the school year; and

158 (h) Policies and procedures for the use of acts of
159 reasonable and appropriate physical intervention or force in
160 dealing with disruptive students.

161 SECTION 5. Section 37-11-53, Mississippi Code of 1972, is
162 amended as follows:

163 37-11-53. (1) A copy of the school district's discipline
164 plan shall be distributed to each student enrolled in the
165 district, and the parents, guardian or custodian of such student
166 shall sign a statement verifying that they have been given notice
167 of the discipline policies of their respective school district.
168 The school district's discipline plan will include the annual
169 local school district school safety plan adopted pursuant to
170 Section 37-3-83(2), in a form which will inform parents, law
171 enforcement, emergency management personnel and others of
172 procedures to be taken in the event of school violence or crisis
173 situations. The school board shall have its official discipline
174 plan and code of student conduct legally audited on an annual
175 basis to insure that its policies and procedures are currently in
176 compliance with applicable statutes, case law and state and
177 federal constitutional provisions. As part of the legal audit
178 first occurring after July 1, 2000, the provisions of this section
179 and Sections 37-11-54 and 37-11-55 shall be fully incorporated
180 into the school district's discipline plan and code of student
181 conduct.

182 (2) All discipline plans of school districts shall include,

183 but not be limited to, the following:

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

188 (b) A parent, guardian or custodian of a
189 compulsory-school-age child enrolled in a public school district
190 may be requested to appear at school by an appropriate school
191 official for a conference regarding acts of the child specified in
192 paragraph (a) of this subsection, or for any other discipline
193 conference regarding the acts of the child;

194 (c) Any parent, guardian or custodian of a
195 compulsory-school-age child enrolled in a school district who
196 refuses or willfully fails to attend such discipline conference
197 specified in paragraph (b) of this section may be summoned by
198 proper notification by the superintendent of schools and be
199 required to attend such discipline conference; and

200 (d) A parent, guardian or custodian of a
201 compulsory-school-age child enrolled in a public school district
202 shall be responsible for any criminal fines brought against such
203 student for unlawful activity as defined in Section 37-11-29
204 occurring on school grounds.

205 (3) Any parent, guardian or custodian of a
206 compulsory-school-age child who (a) fails to attend a discipline
207 conference to which such parent, guardian or custodian has been
208 summoned under the provisions of this section, or (b) refuses or
209 willfully fails to perform any other duties imposed upon him or
210 her under the provisions of this section, shall be guilty of a
211 misdemeanor and, upon conviction, shall be fined not to exceed Two
212 Hundred Fifty Dollars (\$250.00).

213 (4) Any public school district shall be entitled to recover
214 damages in an amount not to exceed Twenty Thousand Dollars
215 (\$20,000.00), plus necessary court costs, from the parents of any

216 minor under the age of eighteen (18) years and over the age of six
217 (6) years, who maliciously and willfully damages or destroys
218 property belonging to such school district. However, this section
219 shall not apply to parents whose parental control of such child
220 has been removed by court order or decree. The action authorized
221 in this section shall be in addition to all other actions which
222 the school district is entitled to maintain and nothing in this
223 section shall preclude recovery in a greater amount from the minor
224 or from a person, including the parents, for damages to which such
225 minor or other person would otherwise be liable.

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

236 SECTION 6. (1) There is established a School Crisis
237 Management Program which shall be attached to the State Department
238 of Education. Under this program, the State Department of
239 Education shall establish a rapid response team of personnel
240 trained in school safety and crisis management, to respond to
241 traumatic or violent situations that impact students and faculty
242 in the public schools in Mississippi. The School Crisis
243 Management Program shall meet the following conditions:

244 (a) The basic rapid response team shall consist of
245 those personnel designated by the State Superintendent of
246 Education or his designee depending on the size of the school and
247 the nature of the event, including, but not limited to, school
248 counselors, school social workers, school psychologists, clergy

249 and psychiatrists.

250 (b) In order to access the services of a response team,
251 the request shall be made by the local school principal or the
252 superintendent of schools who shall make the request to the State
253 Department of Education, or its contact designee.

254 (c) The requesting school or school district shall
255 commit student time to the response team during the school day
256 either individually or in groups.

257 (d) A response team shall enter a school to work with
258 students and faculty for no more than a three-day period, unless
259 otherwise requested by the school district.

260 (e) Rapid response teams shall be organized on a
261 regional basis in order to provide immediate access to these
262 services.

263 (f) The State Department of Education, or its contact
264 designee, shall operate a toll-free incoming wide area telephone
265 service for the purpose of reporting suspected cases of school
266 violence, and other traumatic situations impacting on students and
267 faculty in the public schools.

268 (g) Subject to the availability of funds specifically
269 appropriated therefor by the Legislature, the expenses of the
270 rapid response teams and their administrative support shall be
271 provided from state funds, and the State Department of Education
272 may apply for and expend funds for the support and maintenance of
273 this program from private and other funding sources.

274 (2) Local school districts, school superintendents and
275 principals shall be fully authorized to request and utilize the
276 services of rapid response teams provided for under this section.

277 This section shall not be construed to require school officials
278 to request the services of rapid response teams provided for under
279 this section.

280 SECTION 7. The following provision shall be codified as
281 Section 37-11-54, Mississippi Code of 1972.

282 37-11-54. The State Board of Education shall develop a list
283 of recommended conflict resolution and mediation materials,
284 models, and curricula that address responsible decision making,
285 the causes and effects of school violence and harassment, cultural
286 diversity, and nonviolent methods for resolving conflict,
287 including peer mediation, and shall make the list available to
288 local school administrative units and school buildings by the
289 beginning of the 2001-2002 school year. In developing this list
290 the board shall emphasize materials, models and curricula that
291 currently are being used in Mississippi and that the board
292 determines to be effective. The board shall include at least one
293 (1) model that includes instruction and guidance for the voluntary
294 implementation of peer mediation programs and one (1) model that
295 provides instruction and guidance for teachers concerning the
296 integration of conflict resolution and mediation lessons into the
297 existing classroom curriculum.

298 SECTION 8. Section 37-11-18, Mississippi Code of 1972, is
299 amended as follows:[LH1]

300 37-11-18. Any student in any school who possesses any
301 controlled substance in violation of the Uniform Controlled
302 Substances Law, a knife, handgun, other firearm or any other
303 instrument considered to be dangerous and capable of causing
304 bodily harm or who commits a violent act on educational property,
305 as defined in Section 97-37-17, shall be subject to automatic
306 expulsion for up to a calendar year by the superintendent or
307 principal of the school in which the student is enrolled;
308 provided, however, that the superintendent of the school shall be
309 authorized to modify the period of time for such expulsion on a
310 case by case basis. Such expulsion shall take effect immediately
311 subject to the constitutional rights of due process, which shall
312 include the student's right to appeal to the local school board.

313 SECTION 9. Section 37-13-92, Mississippi Code of 1972, is
314 amended as follows:

315 37-13-92. (1) * * * The school boards of all school
316 districts shall establish, maintain and operate, in connection
317 with the regular programs of the school district, an alternative
318 school program for, but not limited to, the following categories
319 of compulsory-school-age students:

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

324 (b) Any compulsory-school-age child referred to such
325 alternative school based upon a documented need for placement in
326 the alternative school program by the parent, legal guardian or
327 custodian of such child due to disciplinary problems; and

328 (c) Any compulsory-school-age child referred to such
329 alternative school program by the dispositive order of a
330 chancellor or youth court judge, with the consent of the
331 superintendent of the child's school district.

332 (2) The principal or program administrator of any such
333 alternative school program shall require verification from the
334 appropriate guidance counselor of any such child referred to the
335 alternative school program regarding the suitability of such child
336 for attendance at the alternative school program. Before a
337 student may be removed to an alternative school education program,
338 the superintendent of the student's school district must determine
339 that the written and distributed disciplinary policy of the local
340 district is being followed. The policy shall include standards
341 for:

342 (a) The removal of a student to an alternative
343 education program that will include a process of educational
344 review to develop the student's individual instruction plan and
345 the evaluation at regular intervals of the student's educational
346 progress; the process shall include classroom teachers and/or
347 other appropriate professional personnel, as defined in the

348 district policy, to ensure a continuing educational program for
349 the removed student;

350 (b) The duration of alternative placement; and

351 (c) The notification of parents or guardians, and their
352 appropriate inclusion in the removal and evaluation process, as
353 defined in the district policy. Nothing in this paragraph should
354 be defined in a manner to circumvent the principal's or the
355 superintendent's authority to remove a student to alternative
356 education.

357 (3) The State Department of Education shall develop a risk
358 assessment procedure and appropriate forms to be used with each
359 child referred to the alternative school program. The risk
360 assessment procedure shall include a review of the following
361 information:

362 (a) The child's results on the most recent standardized
363 tests;

364 (b) The child's grade level achievement in reading and
365 mathematics;

366 (c) Recommendations of the child's teacher or teachers
367 concerning an individual instruction plan for the child; and

368 (d) A history of the child's behavioral problems.

369 (4) The local school board or the superintendent shall
370 provide for the continuing education of a student who has been
371 removed to an alternative school program.

372 (5) A school district, in its discretion, may provide a
373 program of general educational development (GED) preparatory
374 instruction in the alternative school program. However, any GED
375 preparation program offered in an alternative school program must
376 be administered in compliance with the rules and regulations
377 established for such programs under Sections 37-35-1 through
378 37-35-11 and by the State Board for Community and Junior Colleges.
379 The school district may administer the General Educational
380 Development (GED) Testing Program under the policies and

381 guidelines of the GED Testing Service of the American Council on
382 Education in the alternative school program or may authorize the
383 test to be administered through the community/junior college
384 district in which the alternative school is situated.

385 (6) Any such alternative school program operated under the
386 authority of this section shall meet all appropriate accreditation
387 requirements of the State Department of Education.

388 (7) The alternative school program may be held within such
389 school district or may be operated by two (2) or more adjacent
390 school districts, pursuant to a contract approved by the State
391 Board of Education. When two (2) or more school districts
392 contract to operate an alternative school program, the school
393 board of a district designated to be the lead district shall serve
394 as the governing board of the alternative school program.

395 Transportation for students attending the alternative school
396 program shall be the responsibility of the local school district.

397 The expense of establishing, maintaining and operating such
398 alternative school program may be paid from funds contributed or
399 otherwise made available to the school district for such purpose
400 or from local district maintenance funds.

401 (8) The State Board of Education shall promulgate minimum
402 guidelines for alternative school programs. The guidelines shall
403 require, at a minimum, the formulation of an individual
404 instruction plan for each student referred to the alternative
405 school program and, upon a determination that it is in a student's
406 best interest for that student to receive general educational
407 development (GED) preparatory instruction, that the local school
408 board assign the student to a GED preparatory program established
409 under subsection (5) of this section. The minimum guidelines for
410 alternative school programs shall also require that the following
411 components be made available to students through the school or
412 through referral to appropriate service providers:

413 (a) Clear guidelines and procedures for placement of

414 students into alternative education programs which at a minimum
415 shall prescribe due process procedures for disciplinary and
416 general educational development (GED) placement;

417 (b) Clear and consistent goals for students and
418 parents;

419 (c) Curricula addressing cultural and learning style
420 differences;

421 (d) Direct supervision of all activities on a closed
422 campus;

423 (e) Full-day attendance with a rigorous workload and
424 minimal time off;

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

428 (g) Continual monitoring and evaluation and formalized
429 passage from one step or program to another;

430 (h) A motivated and culturally diverse staff;

431 (i) Counseling services for parents and students;

432 (j) Alcohol and drug treatment, if needed;

433 (k) Socio-interaction analysis and intervention;

434 (l) Values clarification instruction;

435 (m) Academic and work goals development;

436 (n) Intensive instruction in reading and mathematics,
437 if needed;

438 (o) Behavior modification plans;

439 (p) Assistance from other public agencies, as needed;

440 (q) Mentoring;

441 (r) Goals for returning to the ordinary classroom or
442 workforce;

443 (s) Exit strategy that includes a complete report of
444 the outcome of a student's alternative program placement for the
445 student's cumulative school record;

446 (t) Continued monitoring for no less than one (1) year

447 following release from the program;

448 (u) Administrative and community support for the
449 program; and

450 (v) Clear procedures for annual alternative school
451 program review and evaluation. Payment for any services not
452 provided by the school shall be the responsibility of the
453 parent(s) or guardian of the child.

454 (9) On request of a school district, the State Department of
455 Education shall provide the district informational material on
456 developing an alternative school program that takes into
457 consideration size, wealth and existing facilities in determining
458 a program best suited to a district.

459 (10) Any compulsory-school-age child who becomes involved in
460 any criminal or violent behavior shall be removed from such
461 alternative school program and, if probable cause exists, a case
462 shall be referred to the youth court.

463 (11) The State Board of Education, in its discretion, may
464 exempt not more than four (4) school district alternative school
465 programs in the state from any compulsory standard of
466 accreditation for a period of three (3) years. During this
467 period, the State Department of Education shall conduct a study of
468 all alternative school programs in the state, and on or before
469 January 1, 2000, shall develop and promulgate accreditation
470 standards for all alternative school programs, including any
471 recommendations for necessary legislation relating to such
472 alternative school programs.

473 (12) The State Department of Education shall develop a
474 program to assure that all personnel assigned to alternative
475 school programs have had training in current discipline and
476 behavior modification techniques to adequately address the
477 specific problems associated with students assigned to the
478 alternative school program. In addition, the department shall
479 develop a recruitment program to attract highly qualified and

480 highly motivated administrators and teachers for alternative
481 school programs.

482 (13) The State Department of Education shall prepare a
483 report to be submitted to the Legislature in January of each year
484 on the status of each alternative school program in the state.
485 The report shall include, but not be limited to, the following
486 information:

487 (a) The number of students assigned to each alternative
488 school program;

489 (b) Pertinent data on students as indicated on risk
490 assessments;

491 (c) The number of personnel assigned to the alternative
492 school programs, including licensure, experience and training
493 levels;

494 (d) Progress reports, including specific
495 recommendations and problems with the alternative school programs
496 which need to be addressed; and

497 (e) Follow through data on students exiting the
498 alternative school programs.

499 In addition, the initial report also shall include the
500 feasibility of having each alternative school program designated
501 or conducted as a charter school, or managed according to charter
502 school concepts and procedures.

503 (14) The State Department of Education shall research the
504 opinions of Mississippi public school teachers concerning the
505 impact of inclusion on the discipline problems of nonspecial
506 education classroom teachers. Based upon such research, the
507 department shall prepare and submit a report of its findings to
508 the Legislature in January 2001.

509 SECTION 10. Section 37-13-181, Mississippi Code of 1972, is
510 amended as follows:[CR2]

511 37-13-181. The local school boards of the public school
512 districts, in their discretion, may develop and implement, at the

513 beginning of the 1999-2000 school year, a comprehensive program
514 for character education in Grades K-12. The definition of the
515 character traits chosen by the school district for implementation
516 shall reflect and be in keeping with both the spirit and the
517 letter of the following founding documents: the Mississippi
518 Constitution of 1890; the Constitution of the United States of
519 America; the Declaration of Independence; and state and federal
520 law. A public school may not define or teach character or
521 character traits in any manner that might promote or encourage
522 students to participate in conduct that would violate any state or
523 federal law. This program of character education shall focus on
524 students' development of the following character traits: courage,
525 patriotism, citizenship, honesty, pride in quality work, fairness,
526 respect for and obedience to the law, respect for others,
527 kindness, cooperation, self-respect, self-control, courtesy,
528 compassion, diligence, generosity, punctuality, cleanliness,
529 cheerfulness, school pride, respect for the environment, patience,
530 creativity, sportsmanship, loyalty and perseverance. Said program
531 of character education shall include the Pledge of Allegiance to
532 the flag as required in Section 37-13-7, Mississippi Code of 1972.

533 SECTION 11. Section 37-7-301, Mississippi Code of 1972, is
534 amended as follows:

535 37-7-301. The school boards of all school districts shall
536 have the following powers, authority and duties in addition to all
537 others imposed or granted by law, to wit:

538 (a) To organize and operate the schools of the district
539 and to make such division between the high school grades and
540 elementary grades as, in their judgment, will serve the best
541 interests of the school;

542 (b) To introduce public school music, art, manual
543 training and other special subjects into either the elementary or
544 high school grades, as the board shall deem proper;

545 (c) To be the custodians of real and personal school

546 property and to manage, control and care for same, both during the
547 school term and during vacation;

548 (d) To have responsibility for the erection, repairing
549 and equipping of school facilities and the making of necessary
550 school improvements;

551 (e) To suspend or to expel a pupil for misconduct in
552 the school or on school property, as defined in Section 37-11-29,
553 on the road to and from school, or at any school-related activity
554 or event, or for conduct occurring on property other than school
555 property or other than at a school-related activity or event when
556 such conduct by a pupil, in the determination of the school
557 superintendent or principal, renders that pupil's presence in the
558 classroom a disruption to the educational environment of the
559 school or a detriment to the best interest and welfare of the
560 pupils of such class as a whole, and to delegate such authority to
561 the appropriate officials of the school district;

562 (f) To visit schools in the district, in their
563 discretion, in a body for the purpose of determining what can be
564 done for the improvement of the school in a general way;

565 (g) To support, within reasonable limits, the
566 superintendent, administrative superintendent, principal and
567 teachers where necessary for the proper discipline of the school;

568 (h) To exclude from the schools students with what
569 appears to be infectious or contagious diseases; provided,
570 however, such student may be allowed to return to school upon
571 presenting a certificate from a public health officer, duly
572 licensed physician or nurse practitioner that the student is free
573 from such disease;

574 (i) To require those vaccinations specified by the
575 State Health Officer as provided in Section 41-23-37, Mississippi
576 Code of 1972;

577 (j) To see that all necessary utilities and services
578 are provided in the schools at all times when same are needed;

579 (k) To authorize the use of the school buildings and
580 grounds for the holding of public meetings and gatherings of the
581 people under such regulations as may be prescribed by said board;

582 (l) To prescribe and enforce rules and regulations not
583 inconsistent with law or with the regulations of the State Board
584 of Education for their own government and for the government of
585 the schools, and to transact their business at regular and special
586 meetings called and held in the manner provided by law;

587 (m) To maintain and operate all of the schools under
588 their control for such length of time during the year as may be
589 required;

590 (n) To enforce in the schools the courses of study and
591 the use of the textbooks prescribed by the proper authorities;

592 (o) To make orders directed to the superintendent of
593 schools or administrative superintendent for the issuance of pay
594 certificates for lawful purposes on any available funds of the
595 district and to have full control of the receipt, distribution,
596 allotment and disbursement of all funds provided for the support
597 and operation of the schools of such school district whether such
598 funds be derived from state appropriations, local ad valorem tax
599 collections, or otherwise;

600 (p) To select all school district personnel in the
601 manner provided by law, and to provide for such employee fringe
602 benefit programs, including accident reimbursement plans, as may
603 be deemed necessary and appropriate by the board;

604 (q) To provide athletic programs and other school
605 activities and to regulate the establishment and operation of such
606 programs and activities;

607 (r) To join, in their discretion, any association of
608 school boards and other public school-related organizations, and
609 to pay from local funds other than minimum foundation funds, any
610 membership dues;

611 (s) To expend local school activity funds, or other

612 available school district funds, other than minimum education
613 program funds, for the purposes prescribed under this paragraph.
614 "Activity funds" shall mean all funds received by school officials
615 in all school districts paid or collected to participate in any
616 school activity, such activity being part of the school program
617 and partially financed with public funds or supplemented by public
618 funds. The term "activity funds" shall not include any funds
619 raised and/or expended by any organization unless commingled in a
620 bank account with existing activity funds, regardless of whether
621 the funds were raised by school employees or received by school
622 employees during school hours or using school facilities, and
623 regardless of whether a school employee exercises influence over
624 the expenditure or disposition of such funds. Organizations shall
625 not be required to make any payment to any school for the use of
626 any school facility if, in the discretion of the local school
627 governing board, the organization's function shall be deemed to be
628 beneficial to the official or extracurricular programs of the
629 school. For the purposes of this provision, the term
630 "organization" shall not include any organization subject to the
631 control of the local school governing board. Activity funds may
632 only be expended for any necessary expenses or travel costs,
633 including advances, incurred by students and their chaperons in
634 attending any in-state or out-of-state school-related programs,
635 conventions or seminars and/or any commodities, equipment, travel
636 expenses, purchased services or school supplies which the local
637 school governing board, in its discretion, shall deem beneficial
638 to the official or extracurricular programs of the district,
639 including items which may subsequently become the personal
640 property of individuals, including yearbooks, athletic apparel,
641 book covers and trophies. Activity funds may be used to pay
642 travel expenses of school district personnel. The local school
643 governing board shall be authorized and empowered to promulgate
644 rules and regulations specifically designating for what purposes

645 school activity funds may be expended. The local school governing
646 board shall provide (a) that such school activity funds shall be
647 maintained and expended by the principal of the school generating
648 the funds in individual bank accounts, or (b) that such school
649 activity funds shall be maintained and expended by the
650 superintendent of schools in a central depository approved by the
651 board. The local school governing board shall provide that such
652 school activity funds be audited as part of the annual audit
653 required in Section 37-9-18. The State Auditor shall prescribe a
654 uniform system of accounting and financial reporting for all
655 school activity fund transactions;

656 (t) To contract, on a shared savings, lease or
657 lease-purchase basis, for energy efficiency services and/or
658 equipment as provided for in Section 31-7-14, not to exceed ten
659 (10) years;

660 (u) To maintain accounts and issue pay certificates on
661 school food service bank accounts;

662 (v) (i) To lease a school building from an individual,
663 partnership, nonprofit corporation or a private for-profit
664 corporation for the use of such school district, and to expend
665 funds therefor as may be available from any nonminimum program
666 sources. The school board of the school district desiring to
667 lease a school building shall declare by resolution that a need
668 exists for a school building and that the school district cannot
669 provide the necessary funds to pay the cost or its proportionate
670 share of the cost of a school building required to meet the
671 present needs. The resolution so adopted by the school board
672 shall be published once each week for three (3) consecutive weeks
673 in a newspaper having a general circulation in the school district
674 involved, with the first publication thereof to be made not less
675 than thirty (30) days prior to the date upon which the school
676 board is to act on the question of leasing a school building. If
677 no petition requesting an election is filed prior to such meeting

678 as hereinafter provided, then the school board may, by resolution
679 spread upon its minutes, proceed to lease a school building. If
680 at any time prior to said meeting a petition signed by not less
681 than twenty percent (20%) or fifteen hundred (1500), whichever is
682 less, of the qualified electors of the school district involved
683 shall be filed with the school board requesting that an election
684 be called on the question, then the school board shall, not later
685 than the next regular meeting, adopt a resolution calling an
686 election to be held within such school district upon the question
687 of authorizing the school board to lease a school building. Such
688 election shall be called and held, and notice thereof shall be
689 given, in the same manner for elections upon the questions of the
690 issuance of the bonds of school districts, and the results thereof
691 shall be certified to the school board. If at least three-fifths
692 (3/5) of the qualified electors of the school district who voted
693 in such election shall vote in favor of the leasing of a school
694 building, then the school board shall proceed to lease a school
695 building. The term of the lease contract shall not exceed twenty
696 (20) years, and the total cost of such lease shall be either the
697 amount of the lowest and best bid accepted by the school board
698 after advertisement for bids or an amount not to exceed the
699 current fair market value of the lease as determined by the
700 averaging of at least two (2) appraisals by members of the
701 American Institute of Real Estate Appraisers or the Society of
702 Real Estate Appraisers. The term "school building" as used in
703 this item (v) shall be construed to mean any building or buildings
704 used for classroom purposes in connection with the operation of
705 schools and shall include the site therefor, necessary support
706 facilities, and the equipment thereof and appurtenances thereto
707 such as heating facilities, water supply, sewage disposal,
708 landscaping, walks, drives and playgrounds. The term "lease" as
709 used in this item (v)(i) may include a lease/purchase contract;
710 (ii) If two (2) or more school districts propose

711 to enter into a lease contract jointly, then joint meetings of the
712 school boards having control may be held but no action taken shall
713 be binding on any such school district unless the question of
714 leasing a school building is approved in each participating school
715 district under the procedure hereinabove set forth in item (v)(i).
716 All of the provisions of item (v)(i) regarding the term and amount
717 of the lease contract shall apply to the school boards of school
718 districts acting jointly. Any lease contract executed by two (2)
719 or more school districts as joint lessees shall set out the amount
720 of the aggregate lease rental to be paid by each, which may be
721 agreed upon, but there shall be no right of occupancy by any
722 lessee unless the aggregate rental is paid as stipulated in the
723 lease contract. All rights of joint lessees under the lease
724 contract shall be in proportion to the amount of lease rental paid
725 by each;

726 (w) To employ all noninstructional and noncertificated
727 employees and fix the duties and compensation of such personnel
728 deemed necessary pursuant to the recommendation of the
729 superintendent of schools or the administrative superintendent;

730 (x) To employ and fix the duties and compensation of
731 such legal counsel as deemed necessary;

732 (y) Subject to rules and regulations of the State Board
733 of Education, to purchase, own and operate trucks, vans and other
734 motor vehicles, which shall bear the proper identification
735 required by law;

736 (z) To expend funds for the payment of substitute
737 teachers and to adopt reasonable regulations for the employment
738 and compensation of such substitute teachers;

739 (aa) To acquire in its own name by purchase all real
740 property which shall be necessary and desirable in connection with
741 the construction, renovation or improvement of any public school
742 building or structure. If the board shall be unable to agree with
743 the owner of any such real property in connection with any such

744 project, the board shall have the power and authority to acquire
745 any such real property by condemnation proceedings pursuant to
746 Section 11-27-1 et seq., Mississippi Code of 1972, and for such
747 purpose, the right of eminent domain is hereby conferred upon and
748 vested in said board. Provided further, that the local school
749 board is authorized to grant an easement for ingress and egress
750 over sixteenth section land or lieu land in exchange for a similar
751 easement upon adjoining land where the exchange of easements
752 affords substantial benefit to the sixteenth section land;
753 provided, however, the exchange must be based upon values as
754 determined by a competent appraiser, with any differential in
755 value to be adjusted by cash payment. Any easement rights granted
756 over sixteenth section land under such authority shall terminate
757 when the easement ceases to be used for its stated purpose. No
758 sixteenth section or lieu land which is subject to an existing
759 lease shall be burdened by any such easement except by consent of
760 the lessee or unless the school district shall acquire the
761 unexpired leasehold interest affected by the easement;

762 (bb) To charge reasonable fees related to the
763 educational programs of the district, in the manner prescribed in
764 Section 37-7-335;

765 (cc) Subject to rules and regulations of the State
766 Board of Education, to purchase relocatable classrooms for the use
767 of such school district, in the manner prescribed in Section
768 37-1-13;

769 (dd) Enter into contracts or agreements with other
770 school districts, political subdivisions or governmental entities
771 to carry out one or more of the powers or duties of the school
772 board, or to allow more efficient utilization of limited resources
773 for providing services to the public;

774 (ee) To provide for in-service training for employees
775 of the district. Until June 30, 1994, the school boards may
776 designate two (2) days of the minimum school term, as defined in

777 Section 37-19-1, for employee in-service training for
778 implementation of the new statewide testing system as developed by
779 the State Board of Education. Such designation shall be subject
780 to approval by the State Board of Education pursuant to uniform
781 rules and regulations;

782 (ff) The school boards of all school districts, as part
783 of their duties to prescribe the use of textbooks, may provide
784 that parents and legal guardians shall be responsible for the
785 textbooks and for the compensation to the school district for any
786 books which are not returned to the proper schools upon the
787 withdrawal of their dependent child. If a textbook is lost or not
788 returned by any student who drops out of the public school
789 district, the parent or legal guardian shall also compensate the
790 school district for the fair market value of the textbooks;

791 (gg) To conduct fund-raising activities on behalf of
792 the school district that the local school board, in its
793 discretion, deems appropriate or beneficial to the official or
794 extracurricular programs of the district; provided that:

795 (i) Any proceeds of the fund-raising activities
796 shall be treated as "activity funds" and shall be accounted for as
797 are other activity funds under this section; and

798 (ii) Fund-raising activities conducted or
799 authorized by the board for the sale of school pictures, the
800 rental of caps and gowns or the sale of graduation invitations for
801 which the school board receives a commission, rebate or fee shall
802 contain a disclosure statement advising that a portion of the
803 proceeds of the sales or rentals shall be contributed to the
804 student activity fund;

805 (hh) To allow individual lessons for music, art and
806 other curriculum-related activities for academic credit or
807 nonacademic credit during school hours and using school equipment
808 and facilities, subject to uniform rules and regulations adopted
809 by the school board;

810 (ii) To charge reasonable fees for participating in an
811 extracurricular activity for academic or nonacademic credit for
812 necessary and required equipment such as safety equipment, band
813 instruments and uniforms;

814 (jj) To conduct or participate in any fund-raising
815 activities on behalf of or in connection with a tax-exempt
816 charitable organization;

817 (kk) To exercise such powers as may be reasonably
818 necessary to carry out the provisions of this section; and

819 (ll) To expend funds for the services of nonprofit arts
820 organizations or other such nonprofit organizations who provide
821 performances or other services for the students of the school
822 district.

823 SECTION 12. Section 37-9-71, Mississippi Code of 1972, is
824 amended as follows:

825 37-9-71. The superintendent of schools and the principal of
826 a school shall have the power to suspend a pupil for good cause,
827 including misconduct in the school or on school property, as
828 defined in Section 37-11-29, on the road to and from school, or at
829 any school-related activity or event, or for conduct occurring on
830 property other than school property or other than at a
831 school-related activity or event when such conduct by a pupil, in
832 the determination of the superintendent or principal, renders that
833 pupil's presence in the classroom a disruption to the educational
834 environment of the school or a detriment to the best interest and
835 welfare of the pupils of such class as a whole, or for any reason
836 for which such pupil might be suspended, dismissed or expelled by
837 the school board under state or federal law or any rule,
838 regulation or policy of the local school district. However, such
839 action of the superintendent or principal shall be subject to
840 review by and the approval or disapproval of the school board. If
841 the parent, guardian or other person having custody of any child
842 shall feel aggrieved by the suspension or dismissal of that child,

843 then such parent, guardian or other person shall have the right to
844 a due process hearing. The parent or guardian of the child shall
845 be advised of this right to a hearing by the appropriate
846 superintendent or principal and the proper form shall be provided
847 for requesting such a hearing.

848 SECTION 13. This act shall take effect and be in force from
849 and after July 1, 2000.