

By: Senator(s) Walls

To: Education; Juvenile
Justice

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2804

1 AN ACT TO AMEND SECTION 43-21-621, MISSISSIPPI CODE OF 1972,
2 TO EMPOWER THE YOUTH COURT TO ORDER A PUBLIC SCHOOL TO ENROLL OR
3 REENROLL A CHILD WHO HAS SERVED A DETENTION PERIOD IN A STATE
4 TRAINING FACILITY OR A COUNTY JUVENILE DETENTION CENTER, WITH
5 CERTAIN LIMITATIONS; TO PROVIDE FOR NOTIFICATION OF THE PRINCIPAL
6 AND AUTHORIZE THE PLACEMENT OF THE CHILD IN THE SCHOOLS
7 ALTERNATIVE SCHOOL PROGRAM; AND FOR RELATED PURPOSES.

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

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

11 43-21-621. (1) The youth court may, in compliance with the
12 laws governing education of children, order any state-supported
13 public school in its jurisdiction after notice and hearing to
14 enroll or reenroll any compulsory-school-age child in school, and
15 further order appropriate educational services. Provided,
16 however, that the youth court shall not order the enrollment or
17 reenrollment of a student that has been suspended or expelled by a
18 public school pursuant to Section 37-9-71 or 37-7-301 for
19 possession of a weapon on school grounds, for an offense involving
20 a threat to the safety of other persons or for the commission of a
21 violent act. For the purpose of this section "violent act" means
22 any action which results in death or physical harm to another or
23 an attempt to cause death or physical harm to another. The
24 superintendent of the school district to which such child is
25 ordered may, in his discretion, assign such child to the
26 alternative school program of such school established pursuant to
27 Section 37-13-92, Mississippi Code of 1972. The court shall have
28 jurisdiction to enforce school and education laws. Nothing in

29 this section shall be construed to affect the attendance of a
30 child in a legitimate home instruction program.

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

37 (3) If the adjudication of delinquency was for an offense
38 involving a threat to the safety of the juvenile or others and
39 school attendance is a condition of probation, the youth court
40 judge shall make a finding that the principal of the juvenile's
41 school should be notified. If the judge orders that the principal
42 be notified, the youth court counselor shall within five (5) days
43 or before the juvenile begins to attend school, whichever occurs
44 first, notify the principal of the juvenile's school in writing of
45 the nature of the offense and the probation requirements related
46 to school attendance. A principal notified by a juvenile court
47 counselor shall handle the report according to the guidelines and
48 rules adopted by the State Board of Education.

49 (4) The youth court may, in compliance with the laws
50 governing education of children and unless otherwise prohibited
51 under subsection (1), order any state-supported public school in
52 its jurisdiction after notice and hearing to enroll or reenroll
53 any compulsory-school-age child in school upon release from a
54 state training facility or county juvenile detention facility, and
55 may further order appropriate educational services. Prior to such
56 order, the youth court judge shall make a finding that the
57 principal of the juvenile's school should be notified, and the
58 youth court counselor shall within five (5) days or before the
59 juvenile begins to attend school, whichever occurs first, notify
60 the principal of the juvenile's school in writing of the nature of
61 the offense and the probation requirements related to school

62 attendance. The principal of the school to which such child is
63 ordered may, in his discretion, assign such child to the
64 alternative school program of such school established pursuant to
65 Section 37-13-92, Mississippi Code of 1972. A principal notified
66 by a juvenile court counselor shall handle the report according to
67 the guidelines and rules adopted by the State Board of Education.

68 (5) The Administrative Office of the Courts shall report to
69 the Legislature on the number of juveniles reported to principals
70 in accordance with this section no later than January 1, 1996.

71 SECTION 2. This act shall take effect and be in force from
72 and after July 1, 2001.