

*****Adopted*****

AMENDMENT No. 1 PROPOSED TO

Senate Bill NO. 2239

By Representative(s) Committee

**Amend by striking all after the enacting clause and inserting
in lieu thereof the following:**

34 SECTION 1. This act shall be known and may be cited as the
35 "Mississippi School Safety Act of 2001."

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

38 37-3-81. The Department of Education, using only existing
39 staff and resources, shall establish and maintain a School Safety
40 Center, which shall operate a statewide information clearinghouse
41 that: (a) provides assistance to school districts and communities
42 during school crises; and (b) provides technical assistance,
43 training and current resources to public school officials and
44 parents who need assistance in researching, developing and
45 implementing school safety plans and in maintaining a safe school
46 environment.

47 SECTION 3. Section 37-3-83, Mississippi Code of 1972, is
48 amended as follows:

49 37-3-83. (1) There is established within the State
50 Department of Education, using only existing staff and resources,

51 a School Safety Grant Program, available to all eligible public
52 school districts, to assist in financing programs to provide
53 school safety.

54 (2) The school board of each school district, with the
55 assistance of the State Department of Education School Safety
56 Center, shall adopt a comprehensive local school district school
57 safety plan and shall update the plan on an annual basis.

58 (3) Subject to the extent of appropriations available, the
59 School Safety Grant Program shall offer any of the following
60 specific preventive services, and other additional services
61 appropriate to the most current school district school safety
62 plan:

63 (a) Metal detectors;

64 (b) Video surveillance cameras, communications
65 equipment and monitoring equipment for classrooms, school
66 buildings, school grounds and school buses;

67 (c) Crisis management/action teams responding to school
68 violence; * * *

69 (d) Violence prevention training, conflict resolution
70 training, and other appropriate training designated by the State
71 Department of Education for faculty and staff; and

72 (e) School safety personnel.

73 (4) Each local school district of this state may annually
74 apply for * * * school safety grant funds subject to
75 appropriations by the Legislature. School safety grants shall
76 include a base grant amount plus an additional amount per student
77 in average daily attendance in the school or school district. The
78 base grant amount and amount per student shall be determined by
79 the State Board of Education, subject to specific appropriation
80 therefor by the Legislature. In order to be eligible for such

81 program, each local school board desiring to participate shall
82 apply to the State Department of Education by May 31 before the
83 beginning of the applicable fiscal year on forms provided by the
84 department, and shall be required to establish a local School
85 Safety Task Force to involve members of the community in the
86 school safety effort. The State Department of Education shall
87 determine by July 1 of each succeeding year which local school
88 districts have submitted approved applications for school safety
89 grants.

90 (5) As part of the School Safety Grant Program, the State
91 Department of Education may conduct a pilot program to research
92 the feasibility of using video camera equipment in the classroom
93 to address the following:

94 (a) Determine if video cameras in the classroom reduce
95 student disciplinary problems;

96 (b) Enable teachers to present clear and convincing
97 evidence of a student's disruptive behavior to the student, the
98 principal, the superintendent and the student's parents; and

99 (c) Enable teachers to review teaching performance and
100 receive diagnostic feedback for developmental purposes.

101 * * *

102 (6) Any local school district may use
103 audio/visual-monitoring equipment in classrooms, hallways,
104 buildings, grounds and buses for the purpose of monitoring school
105 disciplinary problems.

106 (7) The State Department of Education shall report annually
107 to the Chairmen of the Education Committees in the House of
108 Representatives and Senate on the operation of the School Safety
109 Center and the School Safety Grant Program, along with any
110 recommendations for expansion or revision of the program.

111 SECTION 4. (1) Subject to the availability of finding
112 specifically appropriated for such purpose, there is established a
113 School Crisis Management Program under the State Department of
114 Education. This program is to be initiated and executed by the
115 department using only existing staff and resources. Under this
116 program, the State Department of Education shall create an office
117 making available a quick response team of personnel trained in
118 school safety and crisis management to respond to traumatic or
119 violent situations that impact students and faculty in the public
120 schools in Mississippi. The School Crisis Management Program
121 shall operate in accordance with the following:

122 (a) The basic response team shall consist of those
123 personnel designated by the State Superintendent of Public
124 Education or their designees depending on the size of the school
125 and the nature of the event.

126 (b) In order to access the services of a response team,
127 the request must be made by the local school principal or the
128 superintendent of schools, who shall make the request to the State
129 Department of Education or its contact designee.

130 (c) A response team shall enter a school to work with
131 students and faculty for a period of no more than three (3) days,
132 unless otherwise requested by the school district.

133 (d) The State Department of Education, or its designee,
134 shall operate a toll-free incoming wide area telephone service for
135 the purpose of receiving reports of suspected cases of school
136 violence and other traumatic situations impacting on students and
137 faculty in the public schools.

138 (e) The request made by a school district to access the
139 services of a response team following a school safety incident may
140 seek a review of the local school district's safety plan, and the

141 results of this evaluation may be published by the local school
142 board in a newspaper with wide circulation in the district.

143 (f) Subject to the availability of funds specifically
144 appropriated therefor by the Legislature, the expenses of the
145 quick response teams and their administrative support shall be
146 provided from state funds. The State Department of Education may
147 apply for and expend funds for the support and maintenance of this
148 program from private and other funding sources.

149 (2) Local school districts, school superintendents and
150 principals may request and utilize the services of quick response
151 teams provided for under this section; however, this section does
152 not require school officials to request the services of quick
153 response teams.

154 (3) This section shall be repealed on July 1, 2003.

155 SECTION 5. The State Board of Education, using only existing
156 staff and resources, shall develop a list of recommended conflict
157 resolution and mediation materials, models and curricula that
158 address responsible decision making, the causes and effects of
159 school violence and harassment, cultural diversity, and nonviolent
160 methods for resolving conflict, including peer mediation, and
161 shall make the list available to local school administrative units
162 and school buildings before the beginning of the 2002-2003 school
163 year. In developing this list, the board shall emphasize
164 materials, models and curricula that currently are being used in
165 Mississippi and which the board determines to be effective. The
166 board shall include at least one (1) model that includes
167 instruction and guidance for the voluntary implementation of peer
168 mediation programs and one (1) model that provides instruction and
169 guidance for teachers concerning the integration of conflict
170 resolution and mediation lessons into the existing classroom

171 curriculum.

172 This section shall be repealed on July 1, 2003.

173 SECTION 6. (1) For the purposes of this section:

174 (a) The term "disruptive behavior" means conduct of a
175 student that is so unruly, disruptive or abusive that it seriously
176 interferes with a school teacher's or school administrator's
177 ability to communicate with the students in a classroom, with a
178 student's ability to learn, or with the operation of a school or
179 school-related activity, and which is not covered by other laws
180 related to violence or possession of weapons or controlled
181 substances on school property, school vehicles or at
182 school-related activities. Such behaviors include, but are not
183 limited to: foul, profane, obscene, threatening, defiant or
184 abusive language or action toward teachers or other school
185 employees; defiance, ridicule or verbal attack of a teacher; and
186 willful, deliberate and overt acts of disobedience of the
187 directions of a teacher; and

188 (b) The term "habitually disruptive student" means a
189 student who has caused disruption in a classroom, on school
190 property or vehicles or at a school-related activity on more than
191 two (2) occasions during a school year, because of disruptive
192 behavior that was initiated, willful and overt on the part of the
193 student and which required the attention of school personnel to
194 deal with the disruption. However, no student shall be declared
195 to be a habitually disruptive student before the development of a
196 behavior modification plan for the student in accordance with the
197 code of student conduct and discipline plans of the school
198 district.

199 (2) Any student for whom a behavior modification plan is
200 developed by the school principal and reporting teacher and which

201 student does not comply with the plan shall be a habitually
202 disruptive student subject to automatic expulsion on the
203 occurrence of the third act of disruptive behavior during a school
204 year.

205 (3) This section shall be repealed on July 1, 2003.

206 SECTION 7. Section 37-11-55, Mississippi Code of 1972, is
207 amended as follows:

208 37-11-55. The local school board shall adopt and make
209 available to all teachers, school personnel, students and parents
210 or guardians, at the beginning of * * * each school year * * *, a
211 code of student conduct developed in consultation with teachers,
212 school personnel, students and parents or guardians. The code
213 shall be based on the rules governing student conduct and
214 discipline adopted by the school board and shall be made available
215 at the school level in the student handbook or similar
216 publication. The code shall include, but not be limited to:

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

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

222 (c) An explanation of the responsibilities and rights
223 of students with regard to attendance, respect for persons and
224 property, knowledge and observation of rules of conduct, * * *
225 free speech and student publications, assembly, privacy and
226 participation in school programs and activities;

227 (d) Policies and procedures recognizing the teacher as
228 the authority in classroom matters, and supporting that teacher in
229 any decision in compliance with the written discipline code of
230 conduct; such recognition shall include the right of the teacher

231 to remove from the classroom any student who, in the professional
232 judgment of the teacher, is disrupting the learning environment,
233 to the office of the principal or assistant principal. The
234 principal or assistant principal shall determine the proper
235 placement for the student, who may not be returned to the
236 classroom until a conference of some kind has been held with the
237 parent, guardian or custodian during which the disrupting behavior
238 is discussed and agreements are reached that no further disruption
239 will be tolerated. If the principal does not approve of the
240 determination of the teacher to remove the student from the
241 classroom, the student may not be removed from the classroom, and
242 the principal must provide written justification for his
243 disapproval to the teacher on the school district's approved
244 discipline form;

245 (e) Policies and procedures for dealing with a student
246 who causes a disruption in the classroom, on school property or
247 vehicles, or at school-related activities;

248 (f) Procedures for the development of behavior
249 modification plans by the school principal and reporting teacher
250 for a student who causes a disruption in the classroom, on school
251 property or vehicles, or at school-related activities for a second
252 time during the school year; and

253 (g) Policies and procedures specifically concerning
254 gang-related activities in the school, on school property or
255 vehicles, or at school-related activities.

256 SECTION 8. Section 37-11-53, Mississippi Code of 1972, is
257 amended as follows:

258 37-11-53. (1) A copy of the school district's discipline
259 plan shall be distributed to each student enrolled in the
260 district, and the parents, guardian or custodian of such student

261 shall sign a statement verifying that they have been given notice
262 of the discipline policies of their respective school district.
263 The school board shall have its official discipline plan and code
264 of student conduct legally audited on an annual basis to insure
265 that its policies and procedures are currently in compliance with
266 applicable statutes, case law and state and federal constitutional
267 provisions. As part of the first legal audit occurring after July
268 1, 2001, the provisions of this section, Section 37-11-55 and
269 Section 6 of Senate Bill No. 2239, 2001 Regular Session, shall be
270 fully incorporated into the school district's discipline plan and
271 code of student conduct.

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

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

278 (b) A parent, guardian or custodian of a
279 compulsory-school-age child enrolled in a public school district
280 may be requested to appear at school by the school attendance
281 officer or an appropriate school official for a conference
282 regarding acts of the child specified in paragraph (a) of this
283 subsection, or for any other discipline conference regarding the
284 acts of the child;

285 (c) Any parent, guardian or custodian of a
286 compulsory-school-age child enrolled in a school district who
287 refuses or willfully fails to attend such discipline conference
288 specified in paragraph (b) of this section may be summoned by
289 proper notification by the superintendent of schools or the school
290 attendance officer and be required to attend such discipline

291 conference; and

292 (d) A parent, guardian or custodian of a
293 compulsory-school-age child enrolled in a public school district
294 shall be responsible for any criminal fines brought against such
295 student for unlawful activity * * * occurring on school grounds or
296 buses.

297 (3) Any parent, guardian or custodian of a
298 compulsory-school-age child who (a) fails to attend a discipline
299 conference to which such parent, guardian or custodian has been
300 summoned under the provisions of this section, or (b) refuses or
301 willfully fails to perform any other duties imposed upon him or
302 her under the provisions of this section, shall be guilty of a
303 misdemeanor and, upon conviction, shall be fined not to exceed Two
304 Hundred Fifty Dollars (\$250.00).

305 (4) Any public school district shall be entitled to recover
306 damages in an amount not to exceed Twenty Thousand Dollars
307 (\$20,000.00), plus necessary court costs, from the parents of any
308 minor under the age of eighteen (18) years and over the age of six
309 (6) years, who maliciously and willfully damages or destroys
310 property belonging to such school district. However, this section
311 shall not apply to parents whose parental control of such child
312 has been removed by court order or decree. The action authorized
313 in this section shall be in addition to all other actions which
314 the school district is entitled to maintain and nothing in this
315 section shall preclude recovery in a greater amount from the minor
316 or from a person, including the parents, for damages to which such
317 minor or other person would otherwise be liable.

318 (5) A school district's discipline plan may provide that as
319 an alternative to suspension, a student may remain in school by
320 having the parent, guardian or custodian, with the consent of the

321 student's teacher or teachers, attend class with the student for a
322 period of time specifically agreed upon by the reporting teacher
323 and school principal. If the parent, guardian or custodian does
324 not agree to attend class with the student or fails to attend
325 class with the student, the student shall be suspended in
326 accordance with the code of student conduct and discipline
327 policies of the school district.

328 SECTION 9. Section 43-21-151, Mississippi Code of 1972, is
329 amended as follows:

330 43-21-151. (1) The youth court shall have exclusive
331 original jurisdiction in all proceedings concerning a delinquent
332 child, a child in need of supervision, a neglected child, an
333 abused child or a dependent child except in the following
334 circumstances:

335 (a) Any act attempted or committed by a child, which if
336 committed by an adult would be punishable under state or federal
337 law by life imprisonment or death, will be in the original
338 jurisdiction of the circuit court;

339 (b) Any act attempted or committed by a child with the
340 use of a deadly weapon, the carrying of which concealed is
341 prohibited by Section 97-37-1, or a shotgun or a rifle, or any act
342 making or attempting to make a false bomb report by a child in
343 violation of Section 97-37-21, which would be a felony if
344 committed by an adult, will be in the original jurisdiction of the
345 circuit court; and

346 (c) When a charge of abuse of a child first arises in
347 the course of a custody action between the parents of the child
348 already pending in the chancery court and no notice of such abuse
349 was provided prior to such chancery proceedings, the chancery
350 court may proceed with the investigation, hearing and

351 determination of such abuse charge as a part of its hearing and
352 determination of the custody issue as between the parents,
353 notwithstanding the other provisions of the Youth Court Law. The
354 proceedings in chancery court on the abuse charge shall be
355 confidential in the same manner as provided in youth court
356 proceedings.

357 When a child is expelled from the public schools, the youth
358 court shall be notified of the act of expulsion and the act or
359 acts constituting the basis for expulsion.

360 (2) Jurisdiction of the child in the cause shall attach at
361 the time of the offense and shall continue thereafter for that
362 offense until the child's twentieth birthday, unless sooner
363 terminated by order of the youth court. The youth court shall not
364 have jurisdiction over offenses committed by a child on or after
365 his eighteenth birthday, or over offenses committed by a child on
366 or after his seventeenth birthday where such offenses would be a
367 felony if committed by an adult.

368 (3) No child who has not reached his thirteenth birthday
369 shall be held criminally responsible or criminally prosecuted for
370 a misdemeanor or felony; however, the parent, guardian or
371 custodian of such child may be civilly liable for any criminal
372 acts of such child. No child under the jurisdiction of the youth
373 court shall be held criminally responsible or criminally
374 prosecuted by any court for any act designated as a delinquent
375 act, unless jurisdiction is transferred to another court under
376 Section 43-21-157.

377 (4) The youth court shall also have jurisdiction of offenses
378 committed by a child which have been transferred to the youth
379 court by an order of a circuit court of this state having original
380 jurisdiction of the offense, as provided by Section 43-21-159.

381 (5) The youth court shall regulate and approve the use of
382 teen court as provided in Section 43-21-753.

383 SECTION 10. This act shall take effect and be in force from
384 and after July 1, 2001.