

By: Representative Hines

To: Education

HOUSE BILL NO. 1334

1 AN ACT TO AMEND SECTION 37-11-53, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT IF A PUBLIC SCHOOL STUDENT HAS COMMITTED SOME ACT
3 OR ENGAGED IN SOME CONDUCT FOR WHICH THE STUDENT WOULD OTHERWISE
4 BE SUSPENDED OR EXPELLED UNDER THE SCHOOL DISTRICT'S DISCIPLINE
5 PLAN, AND THE STUDENT HAS NOT PREVIOUSLY BEEN SUBJECT TO
6 DISCIPLINARY ACTION, THEN, AS AN ALTERNATIVE TO SUSPENSION OR
7 EXPULSION, THE STUDENT SHALL BE PERMITTED TO PARTICIPATE IN A
8 COMMUNITY SERVICE PROGRAM SUPERVISED BY THE SCHOOL DISTRICT OR A
9 NONPROFIT ORGANIZATION THAT HAS A COLLABORATIVE RELATIONSHIP WITH
10 THE SCHOOL DISTRICT; TO PROVIDE THAT WHILE PARTICIPATING IN THE
11 PROGRAM, THE STUDENT SHALL RECEIVE YOUTH PEER COUNSELING AS DEEMED
12 APPROPRIATE BY THE SCHOOL DISTRICT; TO PROVIDE THAT UPON
13 SATISFACTORY COMPLETION OF THE COMMUNITY SERVICE PROGRAM, THE
14 RECORD OF THE STUDENT'S OFFENSIVE ACT OR CONDUCT SHALL BE
15 EXPUNGED; AND FOR RELATED PURPOSES.

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

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

19 37-11-53. (1) A copy of the school district's discipline
20 plan shall be distributed to each student enrolled in the
21 district, and the parents, guardian or custodian of such student
22 shall sign a statement verifying that they have been given notice
23 of the discipline policies of their respective school district.
24 The school board shall have its official discipline plan and code
25 of student conduct legally audited on an annual basis to insure
26 that its policies and procedures are currently in compliance with
27 applicable statutes, case law and state and federal constitutional
28 provisions. As part of the first legal audit occurring after July
29 1, 2001, the provisions of this section, Section 37-11-55 and
30 Section 37-11-18.1 shall be fully incorporated into the school
31 district's discipline plan and code of student conduct.

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

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

38 (b) A parent, guardian or custodian of a
39 compulsory-school-age child enrolled in a public school district
40 may be requested to appear at school by the school attendance
41 officer or an appropriate school official for a conference
42 regarding acts of the child specified in paragraph (a) of this
43 subsection, or for any other discipline conference regarding the
44 acts of the child;

45 (c) Any parent, guardian or custodian of a
46 compulsory-school-age child enrolled in a school district who
47 refuses or willfully fails to attend such discipline conference
48 specified in paragraph (b) of this section may be summoned by
49 proper notification by the superintendent of schools or the school
50 attendance officer and be required to attend such discipline
51 conference; and

52 (d) A parent, guardian or custodian of a
53 compulsory-school-age child enrolled in a public school district
54 shall be responsible for any criminal fines brought against such
55 student for unlawful activity occurring on school grounds or
56 buses.

57 (3) Any parent, guardian or custodian of a
58 compulsory-school-age child who (a) fails to attend a discipline
59 conference to which such parent, guardian or custodian has been
60 summoned under the provisions of this section, or (b) refuses or
61 willfully fails to perform any other duties imposed upon him or
62 her under the provisions of this section, shall be guilty of a
63 misdemeanor and, upon conviction, shall be fined not to exceed Two
64 Hundred Fifty Dollars (\$250.00).

65 (4) Any public school district shall be entitled to recover
66 damages in an amount not to exceed Twenty Thousand Dollars

67 (\$20,000.00), plus necessary court costs, from the parents of any
68 minor under the age of eighteen (18) years and over the age of six
69 (6) years, who maliciously and willfully damages or destroys
70 property belonging to such school district. However, this section
71 shall not apply to parents whose parental control of such child
72 has been removed by court order or decree. The action authorized
73 in this section shall be in addition to all other actions which
74 the school district is entitled to maintain and nothing in this
75 section shall preclude recovery in a greater amount from the minor
76 or from a person, including the parents, for damages to which such
77 minor or other person would otherwise be liable.

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

88 (6) If a student has committed some act or engaged in some
89 conduct for which the student would otherwise be suspended or
90 expelled under the school district's discipline plan, and the
91 student has not previously been subject to disciplinary action,
92 then, as an alternative to suspension or expulsion, the student
93 shall be permitted to participate in a community service program
94 of at least forty (40) hours in duration supervised by the school
95 district or a nonprofit organization that has a collaborative
96 relationship with the school district. While participating in the
97 program, the student shall receive youth peer counseling as deemed
98 appropriate by the school district. Upon satisfactory completion
99 of the community service program, as determined by officials of

100 the school district, the record of the student's offensive act or
101 conduct shall be expunged.

102 **SECTION 2.** This act shall take effect and be in force from
103 and after July 1, 2005.