

By: Representatives Buck, Clark, Hines

To: Education

HOUSE BILL NO. 983

1 AN ACT TO REPEAL SECTION 37-11-18.1, MISSISSIPPI CODE OF
2 1972, WHICH PROVIDES FOR THE AUTOMATIC EXPULSION OF HABITUALLY
3 DISRUPTIVE STUDENTS; TO AMEND SECTION 37-11-53, MISSISSIPPI CODE
4 OF 1972, IN CONFORMITY TO THE PROVISIONS OF THIS ACT; AND FOR
5 RELATED PURPOSES.

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

7 **SECTION 1.** Section 37-11-18.1, Mississippi Code of 1972,
8 which provides for the automatic expulsion of a habitually
9 disruptive student upon the third occurrence of disruptive
10 behavior in a school year, is repealed.

11 **SECTION 2.** 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 such student
16 shall sign a statement verifying that they have been given notice
17 of the discipline policies of their respective school district.
18 The school board shall have its official discipline plan and code
19 of student conduct legally audited on an annual basis to insure
20 that its policies and procedures are currently in compliance with
21 applicable statutes, case law and state and federal constitutional
22 provisions. As part of the first legal audit occurring after July
23 1, 2001, the provisions of this section and Section 37-11-55 * * *
24 shall be fully incorporated into the school district's discipline
25 plan and code 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 such discipline conference
42 specified in paragraph (b) of this section may be summoned by
43 proper notification by the superintendent of schools or the school
44 attendance officer and be required to attend such discipline
45 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 such
49 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 such parent, guardian or custodian has been
54 summoned under the provisions of this section, or (b) refuses or
55 willfully fails to perform any other duties imposed upon him or
56 her under the provisions of this section, shall be guilty of a
57 misdemeanor and, upon conviction, shall be fined 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 such school district. However, this section
65 shall not apply to parents whose parental control of such child
66 has been removed by court order or decree. The action authorized
67 in this section shall be in addition to all other actions which
68 the school district is entitled to maintain and nothing in this
69 section shall preclude recovery in a greater amount from the minor
70 or from a person, including the parents, for damages to which such
71 minor or other person would otherwise be liable.

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

82 **SECTION 3.** This act shall take effect and be in force from
83 and after July 1, 2007.