

By: Representative Tubb

To: Education

HOUSE BILL NO. 1385

1 AN ACT TO REQUIRE THE STATE DEPARTMENT OF EDUCATION AND THE
2 MISSISSIPPI DEPARTMENT OF MENTAL HEALTH SHALL DEVELOP THE
3 FRAMEWORK AND GUIDELINES TO BE USED BY PUBLIC SCHOOLS FOR THE
4 PURPOSE OF PROVIDING MENTAL HEALTH ASSESSMENTS AND SCREENINGS TO
5 PUBLIC SCHOOL STUDENTS IN KINDERGARTEN THROUGH GRADE 12 IN ORDER
6 TO ADEQUATELY ASSESS, ADDRESS AND PREVENT HABITUALLY DISRUPTIVE
7 STUDENT BEHAVIOR, APPROACHES TO ALTERNATIVE PLACEMENT AND
8 REINTEGRATION INTO THE TRADITIONAL CLASSROOM SETTING; TO REQUIRE
9 THE STATE BOARD OF EDUCATION AND THE MISSISSIPPI DEPARTMENT OF
10 MENTAL HEALTH TO DEVELOP THE FRAMEWORK AND GUIDELINES FOR USE BY
11 PUBLIC SCHOOLS IN PROVIDING COMPREHENSIVE, COORDINATED MENTAL
12 HEALTH PREVENTION, SCREENINGS AND ASSESSMENTS, EARLY INTERVENTION
13 AND TREATMENT SERVICES FOR PUBLIC SCHOOL STUDENTS; TO PRESCRIBE
14 THE MINIMUM REQUIREMENTS FOR THE FRAMEWORK AND GUIDELINES; TO
15 CREATE THE CHILDREN'S MENTAL HEALTH PARTNERSHIP, WHICH SHALL BE
16 RESPONSIBLE FOR DEVELOPING THE ASSESSMENTS AND SCREENERS TO BE
17 USED BY CERTIFIED SCHOOL EMPLOYEES TO DETECT ANY MENTAL HEALTH
18 DEFICIENCIES IN STUDENTS; TO PRESCRIBE THE COMPOSITION OF THE
19 PARTNERSHIP; TO REQUIRE THE STATE BOARD OF EDUCATION TO DEVELOP
20 AND IMPLEMENT A POLICY REQUIRING ALL PUBLIC SCHOOL DISTRICTS TO
21 PROVIDE MENTAL HEALTH SCREENINGS AND ASSESSMENTS TO STUDENTS IN
22 KINDERGARTEN THROUGH GRADE 12, WHO EXHIBIT SIGNS OF MENTAL
23 DISTRESS, INCAPACITY AND HABITUALLY DISRUPTIVE BEHAVIOR; TO
24 PRESCRIBE THE MINIMUM REQUIREMENTS OF THE POLICY CONTENT; TO
25 REQUIRE EVERY PUBLIC SCHOOL DISTRICT TO DEVELOP A POLICY FOR
26 INCORPORATING SOCIAL AND EMOTIONAL DEVELOPMENT INTO THE DISTRICT'S
27 EDUCATIONAL PROGRAM; TO AMEND SECTIONS 37-3-85, 37-7-301, 37-11-1,
28 37-11-18.1, 37-11-29, 37-11-55, 37-11-57, 37-13-92, MISSISSIPPI
29 CODE OF 1972, TO PRESCRIBE AUTHORITY TO AND THE PROCESSES REQUIRED
30 BY THE STATE BOARD OF EDUCATION AND THE LOCAL GOVERNING SCHOOL
31 BOARDS TO IMPLEMENT POLICIES AND PROCEDURES TO ADDRESS HABITUALLY
32 DISRUPTIVE STUDENTS, THE COMPONENTS TO BE INCLUDED IN ANY BEHAVIOR
33 MODIFICATION PLAN DEVELOPED FOR THE STUDENT, CONSIDERATIONS FOR
34 ALTERNATIVE PLACEMENT AND PETITIONING THE YOUTH COURT FOR



35 CONSIDERATION OF PLACEMENT IN THE YOUTH CHALLENGE PROGRAM; TO
36 AMEND SECTION 43-27-203, MISSISSIPPI CODE OF 1972, IN CONFORMITY
37 TO THE PRECEDING PROVISIONS; AND FOR RELATED PURPOSES.

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

39 **SECTION 1.** The State Board of Education and the Mississippi
40 Department of Mental Health shall develop the framework and
41 guidelines to be used by public schools to provide comprehensive,
42 coordinated mental health prevention, screenings and assessments,
43 early intervention and treatment services for children in
44 kindergarten through Grade 12 at tool to adequately assess,
45 address and prevent habitually disruptive behavior by students.

46 The framework and guidelines shall include but not be limited to:

47 (a) Coordinated provider services and interagency
48 referral networks for children in kindergarten through Grade 12 to
49 maximize resources and minimize duplication of services;

50 (b) Guidelines for incorporating social and emotional
51 development into school learning standards and educational
52 programs, pursuant to Section 4 of this act;

53 (c) Protocols for implementing screening and assessment
54 of compulsory-school-age children prior to any admission to an
55 inpatient hospital for psychiatric services;

56 (d) Recommendations regarding budgetary expenses for
57 children's mental health prevention, screenings and assessments,
58 early intervention and treatment across all school districts;

59 (e) Recommendations for state and local mechanisms for
60 integrating federal, state and local funding sources for
61 children's mental health;



62 (f) Building a qualified and adequately trained
63 workforce prepared to provide mental health services for children
64 in kindergarten through Grade 12 and their families;

65 (g) The facilitation of research on best practices and
66 model programs, and dissemination of this information to
67 Mississippi policymakers, practitioners, and the general public
68 through training, technical assistance and educational materials;

69 (h) A comprehensive, multi-faceted public awareness
70 campaign to reduce the stigma of mental illness and educate
71 families, the general public and other key audiences about the
72 benefits of children's social and emotional development, and how
73 to access services; and

74 (i) The creation of a quality-driven children's mental
75 health system with shared accountability among key state agencies
76 and programs that conducts ongoing needs assessments, uses outcome
77 indicators and benchmarks to measure progress and implements
78 quality data tracking and reporting systems.

79 **SECTION 2.** (1) The State Board of Education shall develop
80 and implement a policy requiring all public school districts to
81 provide mental health screenings and assessments to students in
82 kindergarten through Grade 12, who exhibit signs of mental
83 distress, incapacity and habitually disruptive behavior. At a
84 minimum, the policy must:

85 (a) Require each student to receive a periodic mental
86 health screening upon the recommendation of the parents, teachers,



87 other school staff, upon other necessity, or upon request by the
88 student, which must be conducted by a mental health professional
89 employed by the school district, unless the parents express a
90 desire to see and pay for a private medical or clinical expert,
91 licensed within the State of Mississippi, and for which a bona
92 fide verification of the visit is provided;

93 (b) Provide for improved accessibility to mental health
94 services for students, which would include a proposal for the
95 school to employ more school psychologists, and the opportunity
96 for all students to obtain mental health care, including "open
97 hours," to allow students the ability to visit a mental health
98 professional on school premises of their own accord;

99 (c) Require that teachers and other education staff be
100 properly educated and trained on early identification of mental
101 illness, including how to recognize the symptoms and signs of
102 mental illness, as well as the proper steps to take after a mental
103 illness is suspected. The required training shall also educate
104 school and district personnel on the proper steps that should be
105 taken if any personnel member suspects a mental illness is
106 present; and

107 (d) Require a component of mental health education be
108 included in the school curriculum for students in Grade 5 for the
109 purpose of enhancing and measuring children's school readiness and
110 ability to achieve academic success that would include:



- 111 (i) Descriptions of the stages of mental and
112 emotional development in children;
113 (ii) How to identify symptoms of mental illness;
114 (iii) Methods of treatment; and
115 (iv) Ways to manage mental illness.

116 (2) Every public school district shall develop a policy for
117 incorporating social and emotional development into the district's
118 educational program. The policy shall address teaching and
119 assessing social and emotional skills and protocols for responding
120 to children with social, emotional, mental or behavioral health
121 problems, or a combination of such problems, that impact learning
122 ability disruptions in learning.

123 **SECTION 3.** Section 37-3-85, Mississippi Code of 1972, is
124 amended as follows:

125 37-3-85. (1) The Legislature finds that:

126 (a) Students who are serious behavior problems in
127 school are at risk of becoming juvenile and adult offenders;

128 (b) Growing numbers of children live in conditions that
129 place them at risk of school failure;

130 (c) The provision of school and support services to
131 these children and their families by public and nonprofit agencies
132 is fragmented and does not prepare these children to learn
133 effectively and have a successful school experience;

134 (d) The lack of collaboration among schools, families,
135 local agencies and other groups involved in family support and



136 youth development activities results in the inefficient and
137 ineffective use of resources to meet the needs of these children;

138 (e) Schools are dedicating an increasing amount of
139 their time and resources to responding to disruptive and violent
140 behavior rather than fulfilling their mission to challenge with
141 high expectations each child to learn, to achieve and to fulfill
142 his or her potential;

143 (f) Responding to the needs of students who are at risk
144 of school failure and providing for a safe and secure learning
145 environment are cost-effective because it enables the state to
146 substitute preventive measures for expensive crisis intervention;
147 and

148 (g) Differing local needs and local resources
149 necessitate the development of locally generated, community-based
150 plans that coordinate and leverage existing resources, not the
151 imposition of uniform and inflexible, state-mandated plans.

152 (2) There is established within the State Department of
153 Education the Support Our Students (S.O.S.) program. The purpose
154 of the program is to award grants to neighborhood- and
155 community-based organizations to establish local S.O.S. programs
156 that provide high quality after-school mentoring activities for
157 school-aged children and provide for comprehensive, collaborative
158 delivery of mentoring services by public and nonpublic agencies to
159 these children. These services shall be designed to enrich and
160 make a positive impact on the lives of school-aged children.



161 These after-school activities may include activities after the
162 regular school day and activities on days that students are not
163 required to attend school.

164 (3) The goals of the S.O.S. program are to:

165 (a) Reduce juvenile crime in local communities served
166 by the program;

167 (b) Recruit community volunteers to provide positive
168 adult role models for school-aged children and to help supervise
169 after-school activities;

170 (c) Reduce the number of students who are unsupervised
171 after school, otherwise known as "latchkey" children;

172 (d) Improve the academic performance of students
173 participating in the program;

174 (e) Meet the physical, intellectual, emotional and
175 social needs of students participating in the program and improve
176 their attitudes and behavior; * * *

177 (f) Improve coordination of existing resources and
178 enhance collaboration so as to provide services to school-aged
179 children effectively and efficiently * * *; and

180 (g) Reduce the occurrence and reoccurrence of
181 incidences of misconduct, outbursts, and unruly, abusive or
182 disruptive behavior by students in the classroom setting.

183 (4) As used in this section, "school-aged children" means
184 children enrolled in kindergarten through the ninth grade.



185 (5) The State Department of Education shall develop and
186 implement the Support Our Students (S.O.S.) program. The
187 department shall:

188 (a) Sponsor a statewide conference each year for teams
189 of interested representatives to provide background information
190 and assistance regarding all aspects of the program;

191 (b) Disseminate information regarding the program to
192 interested neighborhood and community groups;

193 (c) Develop and disseminate a request for applications
194 to establish local S.O.S. programs;

195 (d) Provide initial technical assistance to grant
196 applicants and ongoing technical assistance as grants are
197 implemented;

198 (e) Administer funds appropriated by the Legislature;

199 (f) Monitor the grants funded;

200 (g) Revoke a grant if necessary or appropriate;

201 (h) Develop and implement a performance-based
202 evaluation system to evaluate the program;

203 (i) Report on the program implementation to the
204 Legislature and the Office of the Governor;

205 (j) Adopt any rules necessary to implement this
206 section.

207 (6) A community- or neighborhood-based 501(c)(3) entity or a
208 consortium consisting of one or more local 501(c)(3) entities and
209 one or more local school districts may apply for a grant.



210 (7) Applicants for grants shall submit to the State
211 Department of Education an application that includes the following
212 information:

213 (a) Identification of one or more neighborhoods to be
214 served by the local S.O.S. program, based on a needs assessment of
215 existing conditions for school-aged children to be served. Data
216 used in the needs assessment may include for each neighborhood to
217 be served by a local program (i) dropout statistics, (ii) the
218 number and percentage of school-aged children who participate in
219 the federal subsidized lunch program, (iii) the number of
220 suspensions and expulsions involving school-aged children, (iv)
221 the number of children to be served, (v) the number and percentage
222 of students with two (2) working parents or one (1) single parent
223 to be served at a site; (vi) the incidence of juvenile crime in
224 the neighborhood, and (vii) any other relevant or unique local
225 demographic data.

226 Local authorities shall provide this or related information
227 on a timely basis to local 501(c)(3) entities submitting
228 applications to establish local S.O.S. programs;

229 (b) A three-year plan that addresses data used in the
230 needs assessment and that includes proposed goals and anticipated
231 outcomes of the local S.O.S. program. The plan shall be prepared
232 after consultation with local after-school programs, schools,
233 community organizations or groups which have as their purpose
234 assisting or helping school-aged children who are at risk of



235 failing in school or entering the juvenile justice system, or
236 other appropriate groups. In addition, the three-year plan shall
237 provide for regular collaborative efforts to seek input and advice
238 from parents of the students being served and from other citizens
239 who reflect the demographic conditions of the students being
240 served;

241 (c) A statement of how grant funds would be used to
242 address local problems and what other resources would be used to
243 address the problems. This statement should include a list of
244 services to be offered that are related to the goals and outcomes
245 and should include plans for recruiting volunteers to assist in
246 the program's activities; and

247 (d) A process for assessing on an annual basis the
248 success of the local plan for addressing the goals of the local
249 S.O.S. program.

250 (8) The department shall develop and disseminate a request
251 for applications and establish procedures to be followed in
252 developing and submitting applications to establish local S.O.S.
253 programs and administering grants to establish local S.O.S.
254 programs.

255 In reviewing grant applications, the State Superintendent of
256 Education shall consider the prevalence of under-served students
257 and families in low-income neighborhoods and in isolated rural
258 areas in the area for which the grant is requested, the severity
259 of the local problems with regard to children at risk of school



260 failure and with regard to school discipline, whether the proposed
261 program meets state standards, and the likelihood that the locally
262 designed plan will deal with the problems successfully. During
263 the review process, the superintendent may recommend modifications
264 in grant applications to applicants. The superintendent shall
265 submit recommendations to the State Board of Education on which
266 applicants should receive grants and the amount they should
267 receive.

268 In selecting grant recipients, the State Board of Education
269 shall consider (a) the recommendations of the superintendent, (b)
270 the geographic location of the applicants, and (c) the demographic
271 profile of the applicants. After considering these factors, the
272 State Board of Education shall give priority to grant applications
273 that will serve areas that have a high incidence of juvenile crime
274 and that propose different approaches that can serve as models for
275 other communities. The State Board of Education shall select the
276 grant recipients prior to July 1, 1995, for local programs that
277 will be in operation at the beginning of the 1995-1996 school
278 year, and prior to July 1 and thereafter for the appropriate
279 school year.

280 A grant recipient may request a modification of a grant or
281 additional funds to implement a grant through the grant
282 application process. The request shall be reviewed and accepted
283 or rejected in the same manner as a grant application.



284 (9) The State Department of Education shall administer the
285 grant program under the direction of the State Board of Education.
286 The State Department of Education shall provide technical
287 assistance to grant applicants and recipients.

288 (10) All agencies of the state and local government,
289 including departments of human services, health departments, local
290 mental health, and intellectual disability commissions, court
291 personnel, law enforcement agencies and cities and counties shall
292 cooperate with the State Department of Education and local school
293 boards that receive grants in coordinating the S.O.S. program at
294 the state level and in implementing the S.O.S. program at the
295 local level.

296 (11) The Department of Education shall develop and implement
297 an evaluation system, under the direction of the State Board of
298 Education, that will assess the efficiency and effectiveness of
299 the S.O.S. program. However, private schools shall not be
300 included under the provisions of this section.

301 **SECTION 4.** Section 37-7-301, Mississippi Code of 1972, is
302 amended as follows:

303 37-7-301. The school boards of all school districts shall
304 have the following powers, authority and duties in addition to all
305 others imposed or granted by law, to wit:

306 (a) To organize and operate the schools of the district
307 and to make such division between the high school grades and



308 elementary grades as, in their judgment, will serve the best
309 interests of the school;

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

313 (c) To be the custodians of real and personal school
314 property and to manage, control and care for same, both during the
315 school term and during vacation;

316 (d) To have responsibility for the erection, repairing
317 and equipping of school facilities and the making of necessary
318 school improvements;

319 (e) To suspend or to expel a pupil or to change the
320 placement of a pupil to the school district's alternative
321 school * * *, a homebound program or petition a youth court with
322 proper jurisdiction for consideration of placement in the Youth
323 Challenge Program for misconduct in the school or on school
324 property, as defined in Section 37-11-29, on the road to and from
325 school, or at any school-related activity or event, or for conduct
326 occurring on property other than school property or other than at
327 a school-related activity or event when such conduct by a pupil,
328 in the determination of the school superintendent or principal,
329 renders that pupil's presence in the classroom a disruption to the
330 educational environment of the school or a detriment to the best
331 interest and welfare of the pupils and teacher of such class as a



332 whole, and to delegate such authority to the appropriate officials
333 of the school district;

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

337 (g) To support, within reasonable limits, the
338 superintendent, principal and teachers where necessary for the
339 proper discipline of the school;

340 (h) To exclude from the schools students with what
341 appears to be infectious or contagious diseases; provided,
342 however, such student may be allowed to return to school upon
343 presenting a certificate from a public health officer, duly
344 licensed physician or nurse practitioner that the student is free
345 from such disease;

346 (i) To require those vaccinations specified by the
347 State Health Officer as provided in Section 41-23-37;

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

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

353 (l) To prescribe and enforce rules and regulations not
354 inconsistent with law or with the regulations of the State Board
355 of Education for their own government and for the government of



356 the schools, and to transact their business at regular and special
357 meetings called and held in the manner provided by law;

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

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

363 (o) To make orders directed to the superintendent of
364 schools for the issuance of pay certificates for lawful purposes
365 on any available funds of the district and to have full control of
366 the receipt, distribution, allotment and disbursement of all funds
367 provided for the support and operation of the schools of such
368 school district whether such funds be derived from state
369 appropriations, local ad valorem tax collections, or otherwise.
370 The local school board shall be authorized and empowered to
371 promulgate rules and regulations that specify the types of claims
372 and set limits of the dollar amount for payment of claims by the
373 superintendent of schools to be ratified by the board at the next
374 regularly scheduled meeting after payment has been made;

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



379 (q) To provide athletic programs and other school
380 activities and to regulate the establishment and operation of such
381 programs and activities;

382 (r) To join, in their discretion, any association of
383 school boards and other public school-related organizations, and
384 to pay from local funds other than minimum foundation funds, any
385 membership dues;

386 (s) To expend local school activity funds, or other
387 available school district funds, other than minimum education
388 program funds, for the purposes prescribed under this paragraph.
389 "Activity funds" shall mean all funds received by school officials
390 in all school districts paid or collected to participate in any
391 school activity, such activity being part of the school program
392 and partially financed with public funds or supplemented by public
393 funds. The term "activity funds" shall not include any funds
394 raised and/or expended by any organization unless commingled in a
395 bank account with existing activity funds, regardless of whether
396 the funds were raised by school employees or received by school
397 employees during school hours or using school facilities, and
398 regardless of whether a school employee exercises influence over
399 the expenditure or disposition of such funds. Organizations shall
400 not be required to make any payment to any school for the use of
401 any school facility if, in the discretion of the local school
402 governing board, the organization's function shall be deemed to be
403 beneficial to the official or extracurricular programs of the



404 school. For the purposes of this provision, the term
405 "organization" shall not include any organization subject to the
406 control of the local school governing board. Activity funds may
407 only be expended for any necessary expenses or travel costs,
408 including advances, incurred by students and their chaperons in
409 attending any in-state or out-of-state school-related programs,
410 conventions or seminars and/or any commodities, equipment, travel
411 expenses, purchased services or school supplies which the local
412 school governing board, in its discretion, shall deem beneficial
413 to the official or extracurricular programs of the district,
414 including items which may subsequently become the personal
415 property of individuals, including yearbooks, athletic apparel,
416 book covers and trophies. Activity funds may be used to pay
417 travel expenses of school district personnel. The local school
418 governing board shall be authorized and empowered to promulgate
419 rules and regulations specifically designating for what purposes
420 school activity funds may be expended. The local school governing
421 board shall provide (i) that such school activity funds shall be
422 maintained and expended by the principal of the school generating
423 the funds in individual bank accounts, or (ii) that such school
424 activity funds shall be maintained and expended by the
425 superintendent of schools in a central depository approved by the
426 board. The local school governing board shall provide that such
427 school activity funds be audited as part of the annual audit
428 required in Section 37-9-18. The State Department of Education



429 shall prescribe a uniform system of accounting and financial
430 reporting for all school activity fund transactions;

431 (t) To enter into an energy performance contract,
432 energy services contract, on a shared_savings, lease or
433 lease-purchase basis, for energy efficiency services and/or
434 equipment as provided for in Section 31-7-14;

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

437 (v) (i) To lease a school building from an individual,
438 partnership, nonprofit corporation or a private for-profit
439 corporation for the use of such school district, and to expend
440 funds therefor as may be available from any nonminimum program
441 sources. The school board of the school district desiring to
442 lease a school building shall declare by resolution that a need
443 exists for a school building and that the school district cannot
444 provide the necessary funds to pay the cost or its proportionate
445 share of the cost of a school building required to meet the
446 present needs. The resolution so adopted by the school board
447 shall be published once each week for three (3) consecutive weeks
448 in a newspaper having a general circulation in the school district
449 involved, with the first publication thereof to be made not less
450 than thirty (30) days prior to the date upon which the school
451 board is to act on the question of leasing a school building. If
452 no petition requesting an election is filed prior to such meeting
453 as hereinafter provided, then the school board may, by resolution



454 spread upon its minutes, proceed to lease a school building. If
455 at any time prior to said meeting a petition signed by not less
456 than twenty percent (20%) or fifteen hundred (1500), whichever is
457 less, of the qualified electors of the school district involved
458 shall be filed with the school board requesting that an election
459 be called on the question, then the school board shall, not later
460 than the next regular meeting, adopt a resolution calling an
461 election to be held within such school district upon the question
462 of authorizing the school board to lease a school building. Such
463 election shall be called and held, and notice thereof shall be
464 given, in the same manner for elections upon the questions of the
465 issuance of the bonds of school districts, and the results thereof
466 shall be certified to the school board. If at least three-fifths
467 (3/5) of the qualified electors of the school district who voted
468 in such election shall vote in favor of the leasing of a school
469 building, then the school board shall proceed to lease a school
470 building. The term of the lease contract shall not exceed twenty
471 (20) years, and the total cost of such lease shall be either the
472 amount of the lowest and best bid accepted by the school board
473 after advertisement for bids or an amount not to exceed the
474 current fair market value of the lease as determined by the
475 averaging of at least two (2) appraisals by certified general
476 appraisers licensed by the State of Mississippi. The term "school
477 building" as used in this paragraph (v) (i) shall be construed to
478 mean any building or buildings used for classroom purposes in



479 connection with the operation of schools and shall include the
480 site therefor, necessary support facilities, and the equipment
481 thereof and appurtenances thereto such as heating facilities,
482 water supply, sewage disposal, landscaping, walks, drives and
483 playgrounds. The term "lease" as used in this paragraph (v) (i)
484 may include a lease-purchase contract;

485 (ii) If two (2) or more school districts propose
486 to enter into a lease contract jointly, then joint meetings of the
487 school boards having control may be held but no action taken shall
488 be binding on any such school district unless the question of
489 leasing a school building is approved in each participating school
490 district under the procedure hereinabove set forth in paragraph
491 (v) (i). All of the provisions of paragraph (v) (i) regarding the
492 term and amount of the lease contract shall apply to the school
493 boards of school districts acting jointly. Any lease contract
494 executed by two (2) or more school districts as joint lessees
495 shall set out the amount of the aggregate lease rental to be paid
496 by each, which may be agreed upon, but there shall be no right of
497 occupancy by any lessee unless the aggregate rental is paid as
498 stipulated in the lease contract. All rights of joint lessees
499 under the lease contract shall be in proportion to the amount of
500 lease rental paid by each;

501 (w) To employ all noninstructional and noncertificated
502 employees and fix the duties and compensation of such personnel



503 deemed necessary pursuant to the recommendation of the
504 superintendent of schools;

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

507 (y) Subject to rules and regulations of the State Board
508 of Education, to purchase, own and operate trucks, vans and other
509 motor vehicles, which shall bear the proper identification
510 required by law;

511 (z) To expend funds for the payment of substitute
512 teachers and to adopt reasonable regulations for the employment
513 and compensation of such substitute teachers;

514 (aa) To acquire in its own name by purchase all real
515 property which shall be necessary and desirable in connection with
516 the construction, renovation or improvement of any public school
517 building or structure. Whenever the purchase price for such real
518 property is greater than Fifty Thousand Dollars (\$50,000.00), the
519 school board shall not purchase the property for an amount
520 exceeding the fair market value of such property as determined by
521 the average of at least two (2) independent appraisals by
522 certified general appraisers licensed by the State of Mississippi.
523 If the board shall be unable to agree with the owner of any such
524 real property in connection with any such project, the board shall
525 have the power and authority to acquire any such real property by
526 condemnation proceedings pursuant to Section 11-27-1 et seq.,
527 Mississippi Code of 1972, and for such purpose, the right of



528 eminent domain is hereby conferred upon and vested in said board.
529 Provided further, that the local school board is authorized to
530 grant an easement for ingress and egress over sixteenth section
531 land or lieu land in exchange for a similar easement upon
532 adjoining land where the exchange of easements affords substantial
533 benefit to the sixteenth section land; provided, however, the
534 exchange must be based upon values as determined by a competent
535 appraiser, with any differential in value to be adjusted by cash
536 payment. Any easement rights granted over sixteenth section land
537 under such authority shall terminate when the easement ceases to
538 be used for its stated purpose. No sixteenth section or lieu land
539 which is subject to an existing lease shall be burdened by any
540 such easement except by consent of the lessee or unless the school
541 district shall acquire the unexpired leasehold interest affected
542 by the easement;

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

546 (cc) Subject to rules and regulations of the State
547 Board of Education, to purchase relocatable classrooms for the use
548 of such school district, in the manner prescribed in Section
549 37-1-13;

550 (dd) Enter into contracts or agreements with other
551 school districts, political subdivisions or governmental entities
552 to carry out one or more of the powers or duties of the school



553 board, or to allow more efficient utilization of limited resources
554 for providing services to the public;

555 (ee) To provide for in-service training for employees
556 of the district;

557 (ff) As part of their duties to prescribe the use of
558 textbooks, to provide that parents and legal guardians shall be
559 responsible for the textbooks and for the compensation to the
560 school district for any books which are not returned to the proper
561 schools upon the withdrawal of their dependent child. If a
562 textbook is lost or not returned by any student who drops out of
563 the public school district, the parent or legal guardian shall
564 also compensate the school district for the fair market value of
565 the textbooks;

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

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

573 (ii) Fund-raising activities conducted or
574 authorized by the board for the sale of school pictures, the
575 rental of caps and gowns or the sale of graduation invitations for
576 which the school board receives a commission, rebate or fee shall
577 contain a disclosure statement advising that a portion of the



578 proceeds of the sales or rentals shall be contributed to the
579 student activity fund;

580 (hh) To allow individual lessons for music, art and
581 other curriculum-related activities for academic credit or
582 nonacademic credit during school hours and using school equipment
583 and facilities, subject to uniform rules and regulations adopted
584 by the school board;

585 (ii) To charge reasonable fees for participating in an
586 extracurricular activity for academic or nonacademic credit for
587 necessary and required equipment such as safety equipment, band
588 instruments and uniforms;

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

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

594 (ll) To expend funds for the services of nonprofit arts
595 organizations or other such nonprofit organizations who provide
596 performances or other services for the students of the school
597 district;

598 (mm) To expend federal No Child Left Behind Act funds,
599 or any other available funds that are expressly designated and
600 authorized for that use, to pay training, educational expenses,
601 salary incentives and salary supplements to employees of local
602 school districts; except that incentives shall not be considered



603 part of the local supplement as defined in Section 37-151-5(o),
604 nor shall incentives be considered part of the local supplement
605 paid to an individual teacher for the purposes of Section
606 37-19-7(1). Mississippi Adequate Education Program funds or any
607 other state funds may not be used for salary incentives or salary
608 supplements as provided in this paragraph (mm);

609 (nn) To use any available funds, not appropriated or
610 designated for any other purpose, for reimbursement to the
611 state-licensed employees from both in state and out of state, who
612 enter into a contract for employment in a school district, for the
613 expense of moving when the employment necessitates the relocation
614 of the licensed employee to a different geographical area than
615 that in which the licensed employee resides before entering into
616 the contract. The reimbursement shall not exceed One Thousand
617 Dollars (\$1,000.00) for the documented actual expenses incurred in
618 the course of relocating, including the expense of any
619 professional moving company or persons employed to assist with the
620 move, rented moving vehicles or equipment, mileage in the amount
621 authorized for county and municipal employees under Section
622 25-3-41 if the licensed employee used his personal vehicle or
623 vehicles for the move, meals and such other expenses associated
624 with the relocation. No licensed employee may be reimbursed for
625 moving expenses under this section on more than one (1) occasion
626 by the same school district. Nothing in this section shall be
627 construed to require the actual residence to which the licensed



628 employee relocates to be within the boundaries of the school
629 district that has executed a contract for employment in order for
630 the licensed employee to be eligible for reimbursement for the
631 moving expenses. However, the licensed employee must relocate
632 within the boundaries of the State of Mississippi. Any individual
633 receiving relocation assistance through the Critical Teacher
634 Shortage Act as provided in Section 37-159-5 shall not be eligible
635 to receive additional relocation funds as authorized in this
636 paragraph;

637 (oo) To use any available funds, not appropriated or
638 designated for any other purpose, to reimburse persons who
639 interview for employment as a licensed employee with the district
640 for the mileage and other actual expenses incurred in the course
641 of travel to and from the interview at the rate authorized for
642 county and municipal employees under Section 25-3-41;

643 (pp) Consistent with the report of the Task Force to
644 Conduct a Best Financial Management Practices Review, to improve
645 school district management and use of resources and identify cost
646 savings as established in Section 8 of Chapter 610, Laws of 2002,
647 local school boards are encouraged to conduct independent reviews
648 of the management and efficiency of schools and school districts.
649 Such management and efficiency reviews shall provide state and
650 local officials and the public with the following:

651 (i) An assessment of a school district's
652 governance and organizational structure;



653 (ii) An assessment of the school district's
654 financial and personnel management;
655 (iii) An assessment of revenue levels and sources;
656 (iv) An assessment of facilities utilization,
657 planning and maintenance;
658 (v) An assessment of food services, transportation
659 and safety/security systems;
660 (vi) An assessment of instructional and
661 administrative technology;
662 (vii) A review of the instructional management and
663 the efficiency and effectiveness of existing instructional
664 programs; and
665 (viii) Recommended methods for increasing
666 efficiency and effectiveness in providing educational services to
667 the public;
668 (qq) To enter into agreements with other local school
669 boards for the establishment of an educational service agency
670 (ESA) to provide for the cooperative needs of the region in which
671 the school district is located, as provided in Section 37-7-345;
672 (rr) To implement a financial literacy program for
673 students in Grades 10 and 11. The board may review the national
674 programs and obtain free literature from various nationally
675 recognized programs. After review of the different programs, the
676 board may certify a program that is most appropriate for the
677 school districts' needs. If a district implements a financial



678 literacy program, then any student in Grade 10 or 11 may
679 participate in the program. The financial literacy program shall
680 include, but is not limited to, instruction in the same areas of
681 personal business and finance as required under Section
682 37-1-3(2) (b). The school board may coordinate with volunteer
683 teachers from local community organizations, including, but not
684 limited to, the following: United States Department of
685 Agriculture Rural Development, United States Department of Housing
686 and Urban Development, Junior Achievement, bankers and other
687 nonprofit organizations. Nothing in this paragraph shall be
688 construed as to require school boards to implement a financial
689 literacy program;

690 (ss) To collaborate with the State Board of Education,
691 Community Action Agencies or the Department of Human Services to
692 develop and implement a voluntary program to provide services for
693 a prekindergarten program that addresses the cognitive, social,
694 and emotional needs of four-year-old and three-year-old children.
695 The school board may utilize any source of available revenue to
696 fund the voluntary program. Effective with the 2013-2014 school
697 year, to implement voluntary prekindergarten programs under the
698 Early Learning Collaborative Act of 2013 pursuant to state funds
699 awarded by the State Department of Education on a matching basis;

700 (tt) With respect to any lawful, written obligation of
701 a school district, including, but not limited to, leases
702 (excluding leases of sixteenth section public school trust land),



703 bonds, notes, or other agreement, to agree in writing with the
704 obligee that the Department of Revenue or any state agency,
705 department or commission created under state law may:

706 (i) Withhold all or any part (as agreed by the
707 school board) of any monies which such local school board is
708 entitled to receive from time to time under any law and which is
709 in the possession of the Department of Revenue, or any state
710 agency, department or commission created under state law; and

711 (ii) Pay the same over to any financial
712 institution, trustee or other obligee, as directed in writing by
713 the school board, to satisfy all or part of such obligation of the
714 school district.

715 The school board may make such written agreement to withhold
716 and transfer funds irrevocable for the term of the written
717 obligation and may include in the written agreement any other
718 terms and provisions acceptable to the school board. If the
719 school board files a copy of such written agreement with the
720 Department of Revenue, or any state agency, department or
721 commission created under state law then the Department of Revenue
722 or any state agency, department or commission created under state
723 law shall immediately make the withholdings provided in such
724 agreement from the amounts due the local school board and shall
725 continue to pay the same over to such financial institution,
726 trustee or obligee for the term of the agreement.



727 This paragraph (tt) shall not grant any extra authority to a
728 school board to issue debt in any amount exceeding statutory
729 limitations on assessed value of taxable property within such
730 school district or the statutory limitations on debt maturities,
731 and shall not grant any extra authority to impose, levy or collect
732 a tax which is not otherwise expressly provided for, and shall not
733 be construed to apply to sixteenth section public school trust
734 land;

735 (uu) With respect to any matter or transaction that is
736 competitively bid by a school district, to accept from any bidder
737 as a good-faith deposit or bid bond or bid surety, the same type
738 of good-faith deposit or bid bond or bid surety that may be
739 accepted by the state or any other political subdivision on
740 similar competitively bid matters or transactions. This paragraph
741 (uu) shall not be construed to apply to sixteenth section public
742 school trust land. The school board may authorize the investment
743 of any school district funds in the same kind and manner of
744 investments, including pooled investments, as any other political
745 subdivision, including community hospitals;

746 (vv) To utilize the alternate method for the conveyance
747 or exchange of unused school buildings and/or land, reserving a
748 partial or other undivided interest in the property, as
749 specifically authorized and provided in Section 37-7-485;

750 (wv) To delegate, privatize or otherwise enter into a
751 contract with private entities for the operation of any and all



752 functions of nonacademic school process, procedures and operations
753 including, but not limited to, cafeteria workers, janitorial
754 services, transportation, professional development, achievement
755 and instructional consulting services materials and products,
756 purchasing cooperatives, insurance, business manager services,
757 auditing and accounting services, school safety/risk prevention,
758 data processing and student records, and other staff services;
759 however, the authority under this paragraph does not apply to the
760 leasing, management or operation of sixteenth section lands.
761 Local school districts, working through their regional education
762 service agency, are encouraged to enter into buying consortia with
763 other member districts for the purposes of more efficient use of
764 state resources as described in Section 37-7-345;

765 (xx) To partner with entities, organizations and
766 corporations for the purpose of benefiting the school district;

767 (yy) To borrow funds from the Rural Economic
768 Development Authority for the maintenance of school buildings;

769 (zz) To fund and operate voluntary early childhood
770 education programs, defined as programs for children less than
771 five (5) years of age on or before September 1, and to use any
772 source of revenue for such early childhood education programs.
773 Such programs shall not conflict with the Early Learning
774 Collaborative Act of 2013;

775 (aaa) To issue and provide for the use of procurement
776 cards by school board members, superintendents and licensed school



777 personnel consistent with the rules and regulations of the
778 Mississippi Department of Finance and Administration under Section
779 31-7-9; and

780 (bbb) To conduct an annual comprehensive evaluation of
781 the superintendent of schools consistent with the assessment
782 components of paragraph (pp) of this section and the assessment
783 benchmarks established by the Mississippi School Board Association
784 to evaluate the success the superintendent has attained in meeting
785 district goals and objectives, the superintendent's leadership
786 skill and whether or not the superintendent has established
787 appropriate standards for performance, is monitoring success and
788 is using data for improvement.

789 **SECTION 5.** Section 37-11-1, Mississippi Code of 1972, is
790 amended as follows:

791 37-11-1. (1) Subject to the provisions of subsection (2) of
792 this section, after a pupil has been assigned to a particular
793 public school in a school district, the principal, or anyone else
794 vested with the authority of assigning pupils to classes,
795 knowingly shall not place such pupil in a class where the pupil's
796 presence would serve to adversely affect, hinder, or * * *
797 substantially delays the progress of the academic development of
798 the other pupils in the class.

799 (2) (a) A parent or guardian of twins or higher order
800 multiples, as defined in paragraph (d) of this subsection, may
801 request that the children be placed in the same classroom or in



802 separate classrooms if the children are in the same grade level at
803 the same school in the school district. The school may recommend
804 classroom placement and provide professional education advice to
805 the parent or guardian to assist the parent or guardian in making
806 the best decision for the children's education. A school must
807 provide the placement requested by the children's parent or
808 guardian unless: (i) the parent or guardian has requested that
809 the children, who are different sexes, be placed in the same
810 classroom and the students in the school have been assigned to
811 different classrooms according to sex, as authorized under Section
812 37-11-3; or (ii) the school board of the school district makes a
813 classroom placement determination following the school principal's
814 request according to this subsection.

815 (b) A parent or guardian making a request under this
816 subsection must submit a written request for the classroom
817 placement to the school principal no later than fourteen (14)
818 calendar days after the first day of each school year or, if the
819 children are enrolled in the school after the school year
820 commences, no later than fourteen (14) calendar days after the
821 children's first day of attendance in the school.

822 (c) At the end of the initial grading period during
823 which children have been in the same classroom or separate
824 classrooms pursuant to their parent or guardian's request under
825 this subsection, if the principal, in consultation with the
826 children's classroom teacher or teachers, determines that the



827 requested classroom placement is disruptive to the school, the
828 principal may request that the school board determine the
829 children's classroom placement.

830 (d) For purposes of this section, the term "higher
831 order multiples" means triplets, quadruplets, quintuplets or more.

832 **SECTION 6.** Section 37-11-18.1, Mississippi Code of 1972, is
833 amended as follows:

834 37-11-18.1. (1) For the purposes of this section:

835 (a) The term "disruptive behavior" means conduct of a
836 student that is so unruly, disruptive or abusive that it seriously
837 interferes with a schoolteacher's or school administrator's
838 ability to communicate with the students in a classroom, with a
839 student's ability to learn, or with the operation of a school or
840 school-related activity, and which is not covered by other laws
841 related to violence or possession of weapons or controlled
842 substances on school property, school vehicles or at
843 school-related activities. Such behaviors include, but are not
844 limited to: foul, profane, obscene, threatening, defiant or
845 abusive language or action toward teachers or other school
846 employees; defiance, ridicule or verbal attack of a teacher; and
847 willful, deliberate and overt acts of disobedience of the
848 directions of a teacher; and

849 (b) The term "habitually disruptive" refers to such
850 actions of a student which cause disruption in a classroom, on
851 school property or vehicles or at a school-related activity on



852 more than two (2) occasions during a school year, and to
853 disruptive behavior that was initiated, willful and overt on the
854 part of the student and which required the attention of school
855 personnel to deal with the disruption. However, no student shall
856 be considered to be habitually disruptive before the development
857 of a behavior modification plan for the student in accordance with
858 the code of student conduct and discipline plans of the school
859 district.

860 (2) Every behavior modification plan written pursuant to
861 this section must be developed by utilizing evidence-based
862 practices and positive behavioral intervention supports. The plan
863 must be implemented no later than two (2) weeks after the
864 occurrence of the disruptive behavior.

865 (3) Any student who is thirteen (13) years of age or older
866 for whom a behavior modification plan is developed by the school
867 principal, reporting teacher and student's parent and which
868 student does not comply with the plan shall be deemed habitually
869 disruptive and subject to expulsion or referral to the youth court
870 for consideration of placement in the Youth Challenge Program on
871 the occurrence of the third act of disruptive behavior during a
872 school year. After the second act of disruptive behavior during a
873 school year by a student, the parents or legal guardian of the
874 student shall be provided written notice of the potential
875 consequential outcomes for such behavior, and a psychological



876 evaluation shall be performed upon the child in accordance with
877 the provision of Sections 1 and 2 of this act.

878 **SECTION 7.** Section 37-11-29, Mississippi Code of 1972, is
879 brought forward as follows:

880 37-11-29. (1) Any principal, teacher or other school
881 employee who has knowledge of any unlawful activity which occurred
882 on educational property or during a school related activity or
883 which may have occurred shall report such activity to the
884 superintendent of the school district or his designee who shall
885 notify the appropriate law enforcement officials as required by
886 this section. In the event of an emergency or if the
887 superintendent or his designee is unavailable, any principal may
888 make a report required under this subsection.

889 (2) Whenever any person who shall be an enrolled student in
890 any school or educational institution in this state supported in
891 whole or in part by public funds, or who shall be an enrolled
892 student in any private school or educational institution, is
893 arrested for, and lawfully charged with, the commission of any
894 crime and convicted upon the charge for which he was arrested, or
895 convicted of any crime charged against him after his arrest and
896 before trial, the office or law enforcement department of which
897 the arresting officer is a member, and the justice court judge and
898 any circuit judge or court before whom such student is tried upon
899 said charge or charges, shall make or cause to be made a report
900 thereof to the superintendent or the president or chancellor, as



901 the case may be, of the school district or other educational
902 institution in which such student is enrolled.

903 If the charge upon which such student was arrested, or any
904 other charges preferred against him are dismissed or nol prossed,
905 or if upon trial he is either convicted or acquitted of such
906 charge or charges, same shall be reported to said respective
907 superintendent or president, or chancellor, as the case may be. A
908 copy of said report shall be sent to the Secretary of the Board of
909 Trustees of State Institutions of Higher Learning of the State of
910 Mississippi, at Jackson, Mississippi.

911 Said report shall be made within one (1) week after the
912 arrest of such student and within one (1) week after any charge
913 placed against him is dismissed or nol prossed, and within one (1)
914 week after he shall have pled guilty, been convicted, or have been
915 acquitted by trial upon any charge placed against him. This
916 section shall not apply to ordinary traffic violations involving a
917 penalty of less than Fifty Dollars (\$50.00) and costs.

918 The State Superintendent of Public Education shall gather
919 annually all of the reports provided under this section and
920 prepare a report on the number of students arrested as a result of
921 any unlawful activity which occurred on educational property or
922 during a school related activity. All data must be disaggregated
923 by race, ethnicity, gender, school, offense and law enforcement
924 agency involved. However, the report prepared by the State



925 Superintendent of Public Education shall not include the identity
926 of any student who was arrested.

927 On or before January 1 of each year, the State Superintendent
928 of Public Education shall report to the Governor, the Lieutenant
929 Governor, the Speaker of the House of Representatives and the
930 Joint PEER Committee on this section. The report must include
931 data regarding arrests as a result of any unlawful activity which
932 occurred on educational property or during a school related
933 activity.

934 (3) When the superintendent or his designee has a reasonable
935 belief that an act has occurred on educational property or during
936 a school related activity involving any of the offenses set forth
937 in subsection (6) of this section, the superintendent or his
938 designee shall immediately report the act to the appropriate local
939 law enforcement agency. For purposes of this subsection, "school
940 property" shall include any public school building, bus, public
941 school campus, grounds, recreational area or athletic field in the
942 charge of the superintendent. The State Board of Education shall
943 prescribe a form for making reports required under this
944 subsection. Any superintendent or his designee who fails to make
945 a report required by this section shall be subject to the
946 penalties provided in Section 37-11-35.

947 (4) The law enforcement authority shall immediately dispatch
948 an officer to the educational institution and with probable cause



949 the officer is authorized to make an arrest if necessary as
950 provided in Section 99-3-7.

951 (5) Any superintendent, principal, teacher or other school
952 personnel participating in the making of a required report
953 pursuant to this section or participating in any judicial
954 proceeding resulting therefrom shall be presumed to be acting in
955 good faith. Any person reporting in good faith shall be immune
956 from any civil liability that might otherwise be incurred or
957 imposed.

958 (6) For purposes of this section, "unlawful activity" means
959 any of the following:

960 (a) Possession or use of a deadly weapon, as defined in
961 Section 97-37-1;

962 (b) Possession, sale or use of any controlled
963 substance;

964 (c) Aggravated assault, as defined in Section 97-3-7;

965 (d) Simple assault, as defined in Section 97-3-7, upon
966 any school employee;

967 (e) Rape, as defined under Mississippi law;

968 (f) Sexual battery, as defined under Mississippi law;

969 (g) Murder, as defined under Mississippi law;

970 (h) Kidnapping, as defined under Mississippi law; or

971 (i) Fondling, touching, handling, etc., a child for
972 lustful purposes, as defined in Section 97-5-23.



973 For the purposes of this subsection (6), the term "controlled
974 substance" does not include the possession or use of medical
975 cannabis that is lawful under the Mississippi Medical Cannabis Act
976 and in compliance with rules and regulations adopted thereunder.

977 **SECTION 8.** Section 37-11-55, Mississippi Code of 1972, is
978 amended as follows:

979 37-11-55. The local school board shall adopt and make
980 available to all teachers, school personnel, students and parents
981 or guardians, at the beginning of each school year, a code of
982 student conduct developed in consultation with teachers, school
983 personnel, students and parents or guardians. The code shall be
984 based on the rules governing student conduct and discipline
985 adopted by the school board and shall be made available at the
986 school level in the student handbook or similar publication. The
987 code shall include, but not be limited to:

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

990 (b) Procedures to be followed for acts requiring
991 discipline, including suspensions and expulsion, which comply with
992 due process requirements;

993 (c) An explanation of the responsibilities and rights
994 of students with regard to: attendance; respect for persons and
995 property; knowledge and observation of rules of conduct; free
996 speech and student publications; assembly; privacy; and
997 participation in school programs and activities;



998 (d) Policies and procedures recognizing the teacher as
999 the authority in classroom matters, and supporting that teacher in
1000 any decision in compliance with the written discipline code of
1001 conduct. Such recognition shall include the right of the teacher
1002 to remove from the classroom any student who, in the professional
1003 judgment of the teacher, is disrupting the learning environment,
1004 to the office of the principal or assistant principal. The
1005 principal or assistant principal shall determine the proper
1006 placement for the student, who may not be returned to the
1007 classroom until a conference of some kind has been held with the
1008 parent, guardian or custodian during which the disrupting behavior
1009 is discussed and agreements are reached that no further disruption
1010 will be tolerated. If the principal does not approve of the
1011 determination of the teacher to remove the student from the
1012 classroom, the student may not be removed from the classroom, and
1013 the principal, upon request from the teacher, must provide
1014 justification for his disapproval;

1015 (e) Policies and procedures for dealing with a student
1016 who causes a disruption in the classroom, on school property or
1017 vehicles, or at school-related activities;

1018 (f) Procedures for the development of behavior
1019 modification plans by the school principal, reporting to the
1020 teacher and student's parent for a student who causes a disruption
1021 in the classroom, on school property or vehicles, or at
1022 school-related activities for a second time during the school



1023 year, with timely and proper written notice provided to the
1024 parents or legal guardians of the student of potential consequence
1025 for a third offense or subsequent offense depending on the
1026 egregiousness of the offense. The development of the behavior
1027 modification plan shall include:

1028 (i) A community service; or

1029 (ii) A school service project; and

1030 (iii) A character building component;

1031 (g) Policies and procedures specifically concerning
1032 gang-related activities in the school, on school property or
1033 vehicles, or at school-related activities * * *; and

1034 (h) Policies and procedures for petitioning the local
1035 youth court for consideration of the placement of habitually
1036 disruptive students in the Youth Challenge Program when potential
1037 expulsion is imminent and there is substantial reason to believe,
1038 given the nature and frequency of past misconduct, that
1039 reintegration into a traditional classroom environment is highly
1040 unlikely and counterproductive to the successful outcomes for
1041 rehabilitation of the disruptive student, the academic progress of
1042 his or her peers in the classroom, and the ability of the teacher
1043 to provide uninterrupted instruction.

1044 **SECTION 9.** Section 37-11-57, Mississippi Code of 1972, is
1045 amended as follows:

1046 37-11-57. (1) Except in the case of excessive force or
1047 cruel and unusual punishment, a public school teacher, assistant



1048 teacher, principal * * * or an assistant principal acting within
1049 the course and scope of his employment shall not be liable for any
1050 action carried out in conformity with state or federal law or
1051 rules or regulations of the State Board of Education or the local
1052 school board or governing board of a charter school regarding the
1053 control, discipline, suspension, alternative placement and
1054 expulsion of students. The local school board shall provide any
1055 necessary legal defense to a teacher, assistant teacher,
1056 principal * * * or assistant principal in the school district who
1057 was acting within the course and scope of his employment in any
1058 action which may be filed against such school personnel. A school
1059 district or charter school, as the case may be, shall be entitled
1060 to reimbursement for legal fees and expenses from its employee if
1061 a court finds that the act of the employee was outside the course
1062 and scope of his employment, or that the employee was acting with
1063 criminal intent. Any action by a school district or charter
1064 school against its employee and any action by the employee against
1065 the school district or charter school for necessary legal fees and
1066 expenses shall be tried to the court in the same suit brought
1067 against the school employee.

1068 (2) Corporal punishment administered in a reasonable manner,
1069 or any reasonable action to maintain control and discipline of
1070 students taken by a public school teacher, assistant teacher,
1071 principal or assistant principal acting within the scope of his
1072 employment or function and in accordance with any state or federal



1073 laws or rules or regulations of the State Board of Education or
1074 the local school board or governing board of a charter school does
1075 not constitute negligence or child abuse. No public school
1076 teacher, assistant teacher, principal or assistant principal so
1077 acting shall be held liable in a suit for civil damages alleged to
1078 have been suffered by a student as a result of the administration
1079 of corporal punishment, or the taking of action to maintain
1080 control and discipline of a student, unless the court determines
1081 that the teacher, assistant teacher, principal or assistant
1082 principal acted in bad faith or with malicious purpose or in a
1083 manner exhibiting a wanton and willful disregard of human rights
1084 or safety. For the purposes of this subsection, "corporal
1085 punishment" means the reasonable use of physical force or physical
1086 contact by a teacher, assistant teacher, principal or assistant
1087 principal, as may be necessary to maintain discipline, to enforce
1088 a school rule, for self-protection or for the protection of other
1089 students from disruptive students.

1090 (3) Notwithstanding subsection (2) of this section a public
1091 school teacher, assistant teacher, principal, assistant principal
1092 or other school personnel is prohibited from using corporal
1093 punishment, as defined in subsection (2) of this section, on any
1094 student with a disability. No school personnel shall be granted
1095 immunity from liability under subsection (2) of this section for
1096 the use of corporal punishment on a student with a disability.
1097 For purposes of this subsection, the term "student with a



1098 disability" means a student who has an individualized education
1099 plan (IEP) under the Individuals with Disabilities Education Act
1100 (IDEA) or a Section 504 plan under the Rehabilitation Act of 1973.
1101 The term "school personnel" includes all individuals employed on a
1102 full-time or part-time basis by a public school.

1103 **SECTION 10.** Section 37-13-92, Mississippi Code of 1972, is
1104 amended as follows:

1105 37-13-92. (1) Beginning with the school year 2004-2005, the
1106 school boards of all school districts shall establish, maintain
1107 and operate, in connection with the regular programs of the school
1108 district, an alternative school program or behavior modification
1109 program as defined by the State Board of Education for, but not
1110 limited to, the following categories of compulsory-school-age
1111 students:

1112 (a) Any compulsory-school-age child who has been
1113 suspended for more than ten (10) days or expelled from school,
1114 except for any student expelled for possession of a weapon or
1115 other felonious conduct;

1116 (b) Any compulsory-school-age child referred to such
1117 alternative school based upon a documented need for placement in
1118 the alternative school program by the parent, legal guardian or
1119 custodian of such child due to disciplinary problems;

1120 (c) Any compulsory-school-age child referred to such
1121 alternative school program by the dispositive order of a



1122 chancellor or youth court judge, with the consent of the
1123 superintendent of the child's school district;

1124 (d) Any compulsory-school-age child whose presence in
1125 the classroom, in the determination of the school superintendent
1126 or principal, is a disruption to the educational environment of
1127 the school or a detriment to the interest and welfare of the
1128 students and teachers of such class as a whole; and

1129 (e) No school district is required to place a child
1130 returning from out-of-home placement in the mental health,
1131 juvenile justice or foster care system in alternative school.
1132 Placement of a child in the alternative school shall be done
1133 consistently, and for students identified under the Individuals
1134 with Disabilities Education Act (IDEA), shall adhere to the
1135 requirements of the Individuals with Disabilities Education
1136 Improvement Act of 2004. If a school district chooses to place a
1137 child in alternative school the district will make an individual
1138 assessment and evaluation of that child in the following time
1139 periods:

1140 (i) Five (5) days for a child transitioning from a
1141 group home, mental health care system, and/or the custody of the
1142 Department of Human Services, Division of Youth and Family
1143 Services;

1144 (ii) Ten (10) days for a child transitioning from
1145 a dispositional placement order by a youth court pursuant to
1146 Section 43-21-605; and



1147 (iii) An individualized assessment for youth
1148 transitioning from out-of-home placement to the alternative school
1149 shall include:

- 1150 1. A strength needs assessment.
- 1151 2. A determination of the child's academic
1152 strengths and deficiencies.
- 1153 3. A proposed plan for transitioning the
1154 child to a regular education placement at the earliest possible
1155 date.

1156 (2) The principal or program administrator of any such
1157 alternative school program shall require verification from the
1158 appropriate guidance counselor of any such child referred to the
1159 alternative school program regarding the suitability of such child
1160 for attendance at the alternative school program. Before a
1161 student may be removed to an alternative school education program,
1162 the superintendent of the student's school district must determine
1163 that the written and distributed disciplinary policy of the local
1164 district is being followed. The policy shall include standards
1165 for:

1166 (a) The removal of a student to an alternative
1167 education program that will include a process of educational
1168 review to develop the student's individual instruction plan and
1169 the evaluation at regular intervals of the student's educational
1170 progress; the process shall include classroom teachers and/or
1171 other appropriate professional personnel, as defined in the



1172 district policy, to ensure a continuing educational program for
1173 the removed student;

1174 (b) The duration of alternative placement; and

1175 (c) The notification of parents or guardians, and their
1176 appropriate inclusion in the removal and evaluation process, as
1177 defined in the district policy. Nothing in this paragraph should
1178 be defined in a manner to circumvent the principal's or the
1179 superintendent's authority to remove a student to alternative
1180 education.

1181 (3) The local school board or the superintendent shall
1182 provide for the continuing education of a student who has been
1183 removed to an alternative school program.

1184 (4) A school district, in its discretion, may provide a
1185 program of High School Equivalency Diploma preparatory instruction
1186 in the alternative school program. However, any High School
1187 Equivalency Diploma preparation program offered in an alternative
1188 school program must be administered in compliance with the rules
1189 and regulations established for such programs under Sections
1190 37-35-1 through 37-35-11 and by the Mississippi Community College
1191 Board. The school district may administer the High School
1192 Equivalency Diploma Testing Program under the policies and
1193 guidelines of the Testing Service of the American Council on
1194 Education in the alternative school program or may authorize the
1195 test to be administered through the community/junior college
1196 district in which the alternative school is situated.



1197 (5) Any such alternative school program operated under the
1198 authority of this section shall meet all appropriate accreditation
1199 requirements of the State Department of Education.

1200 (6) The alternative school program may be held within such
1201 school district or may be operated by two (2) or more adjacent
1202 school districts, pursuant to a contract approved by the State
1203 Board of Education. When two (2) or more school districts
1204 contract to operate an alternative school program, the school
1205 board of a district designated to be the lead district shall serve
1206 as the governing board of the alternative school program.
1207 Transportation for students attending the alternative school
1208 program shall be the responsibility of the local school district.
1209 The expense of establishing, maintaining and operating such
1210 alternative school program may be paid from funds contributed or
1211 otherwise made available to the school district for such purpose
1212 or from local district maintenance funds.

1213 (7) The State Board of Education shall promulgate minimum
1214 guidelines for alternative school programs. The guidelines shall
1215 require, at a minimum, the formulation of an individual
1216 instruction plan for each student referred to the alternative
1217 school program and, upon a determination that it is in a student's
1218 best interest for that student to receive High School Equivalency
1219 Diploma preparatory instruction, that the local school board
1220 assign the student to a High School Equivalency Diploma
1221 preparatory program established under subsection (4) of this



1222 section. The minimum guidelines for alternative school programs
1223 shall also require the following components:

1224 (a) Clear guidelines and procedures for placement of
1225 students into alternative education programs which at a minimum
1226 shall prescribe due process procedures for disciplinary and High
1227 School Equivalency Diploma placement;

1228 (b) Clear and consistent goals for students and
1229 parents;

1230 (c) Curricula addressing cultural and learning style
1231 differences;

1232 (d) Direct supervision of all activities on a closed
1233 campus;

1234 (e) Attendance requirements that allow for educational
1235 and workforce development opportunities;

1236 (f) Selection of program from options provided by the
1237 local school district, Division of Youth Services or the youth
1238 court, including transfer to a community-based alternative school;

1239 (g) Continual monitoring and evaluation and formalized
1240 passage from one (1) step or program to another;

1241 (h) A motivated and culturally diverse staff;

1242 (i) Counseling for parents and students;

1243 (j) Administrative and community support for the
1244 program; and

1245 (k) Clear procedures for annual alternative school
1246 program review and evaluation.



1247 (8) On request of a school district, the State Department of
1248 Education shall provide the district informational material on
1249 developing an alternative school program that takes into
1250 consideration size, wealth and existing facilities in determining
1251 a program best suited to a district.

1252 (9) Any compulsory-school-age child who becomes involved in
1253 any criminal or violent behavior shall be removed from such
1254 alternative school program and, if probable cause exists, a case
1255 shall be referred to the youth court.

1256 (10) The State Board of Education shall promulgate
1257 guidelines for alternative school programs which provide broad
1258 authority to school boards of local school districts to establish
1259 alternative education programs to meet the specific needs of the
1260 school district.

1261 (11) Each school district having an alternative school
1262 program shall submit a report by July 31 of each calendar year to
1263 the State Department of Education describing the results of its
1264 annual alternative school program review and evaluation undertaken
1265 pursuant to subsection (7)(k). The report shall include a
1266 detailed account of any actions taken by the school district
1267 during the previous year to comply with substantive guidelines
1268 promulgated by the State Board of Education under subsection
1269 (7)(a) through (j). In the report to be implemented under this
1270 section, the State Department of Education shall prescribe the
1271 appropriate measures on school districts that fail to file the



1272 annual report. The report should be made available online via the
1273 department's website to ensure transparency, accountability and
1274 efficiency.

1275 (12) Upon a determination by the local school board that a
1276 student's placement in the district's alternative school program
1277 is highly unlikely and counterproductive to the successful
1278 outcomes for rehabilitation of the disruptive student and
1279 reintegration into a traditional classroom setting, the school
1280 board shall undertake the necessary processes to petition the
1281 local youth court to make a determination as to whether the
1282 disruptive student would be better suited for alternative
1283 placement in the Youth Challenge Program. Additionally, the
1284 school board shall consider the petition process before making a
1285 determination to place the disruptive student in an alternative
1286 school program operated by the district if the disruptive behavior
1287 warranting such placement is the third occurrence of habitual
1288 disruption.

1289 **SECTION 11.** Section 43-27-203, Mississippi Code of 1972, is
1290 amended as follows:

1291 43-27-203. (1) There is created under the Mississippi
1292 National Guard a program to be known as the "Youth Challenge
1293 Program." The program shall be an interdiction program designed
1294 for children determined to be "at risk" by the National Guard or
1295 those who are determined by the local school board to be habitual
1296 offenders of unruly, disruptive or abusive misconduct that



1297 substantially delays the progress of the academic development of
1298 the other pupils in the class.

1299 (2) The Mississippi National Guard shall implement and
1300 administer the Youth Challenge Program and shall promulgate rules
1301 and regulations concerning the administration of the program. The
1302 National Guard shall prepare written guidelines concerning the
1303 nomination and selection process of participants in the program,
1304 and such guidelines shall include a list of the factors considered
1305 in the selection process.

1306 (3) (a) Participation in the Youth Challenge Program shall
1307 be on a voluntary basis. No child may be sentenced by any court
1308 to participate in the program; however, a youth court judge may
1309 refer the program to a child when, under his or her determination,
1310 such program would be sufficient to meet the needs of the child.

1311 (b) Upon a determination by the local school board that
1312 a student's placement in the district's alternative school program
1313 is highly unlikely and counterproductive to the successful
1314 outcomes for rehabilitation of the disruptive student and
1315 reintegration into a traditional classroom setting, the school
1316 board shall undertake the necessary processes to petition the
1317 local youth court to make a determination as to whether the
1318 disruptive student would be better suited for alternative
1319 placement in the Youth Challenge Program.

1320 (4) The Mississippi National Guard, under the auspices of
1321 the Challenge Academy, may award an adult high school diploma to



1322 each participant who meets the requirements for a High School
1323 Equivalency Diploma equivalent under the policies and guidelines
1324 of the GED Testing Service of the American Council on Education or
1325 other high school equivalency exam and any other minimum academic
1326 requirements prescribed by the National Guard and Challenge
1327 Academy for graduation from the Youth Challenge Program.
1328 Participants in the program who do not meet the minimum academic
1329 requirements may be awarded a special certificate of attendance.
1330 The Mississippi National Guard and the Challenge Academy shall
1331 establish rules and regulations for awarding the adult high school
1332 diploma and shall prescribe the form for such diploma and the
1333 certificate of attendance.

1334 (5) The Mississippi National Guard may accept any available
1335 funds that may be used to defray the expenses of the program,
1336 including, but not limited to, federal funding, public or private
1337 funds and any funds that may be appropriated by the Legislature
1338 for that purpose.

1339 **SECTION 12.** This act shall take effect and be in force from
1340 and after July 1, 2024.

