
OFFICE OF GOVERNOR RONNIE MUSGROVE
INTEROFFICE MEMORANDUM

TO: GOVERNOR
FROM: RILEY
SUBJECT: SB 2239
DATE 3/12/01
CC: BUNCH
SIMMONS
FILE

Per your request at Friday's staff meeting, I am providing you this memo regarding SB 2239 (School Safety Act of 2001).

Southern Echo/The Mississippi Education Group out of Greenville voiced opposition to SB 2239 in both the subcommittee and full Education committees. Mike Soier with Echo listed the following concerns with SB 2239:

- Teachers and principals have enough authority now to handle students. SB 2239 will only provide faculty and administrators with a systematic approach to identify/label students as habitual problem students.
- The definitions contained in the bill are broad and vague and violate the First and Fourteenth Amendments.
- SB 2239 doesn't take into consideration Title I or IDEA for at-risk or special needs students. SB 2239 does not cross-reference such students' Individual Educational Plans (IEPs) to school safety plans. SB 2239 provides no protection for special needs students.
- SB 2239 will result in increased litigation filed against school districts.

Senator Tom King, who accompanied Kelly Hardwick of the Lieutenant Governor's Office to the Education Committee meeting after being called by Nan Tarlton of the MAE, responded that SSB 2239 is a "teacher retention bill" and that if Mississippi is going to address teacher shortages, the state has to give them authority in their classrooms. Senator King also said that we wouldn't need the bill if principals were doing their job. (King also made this same statement in subcommittee.) Maryann Grazyck (AFT) also spoke on behalf of the bill.

As passed by the House, Section 6 of SB 2239 provides that a student cannot be considered habitually disruptive before a behavior modification plan is developed for the

student in accordance with a district's code of conduct and discipline plan. Codes of conduct and discipline plans are unique to each district and are developed at the discretion of the local school board. However Section 7 of SB 2239 requires districts' codes of conduct to include procedures for the development of behavior modification plans for a student after the student disrupts a classroom for the second time during the school year. Several House Education Committee members expressed concern that the Legislature was mandating actions under the purview of the discretion of local districts.

Section 6 of SB 2239 requires automatic expulsion on the third act of disruptive behavior for students 13 years of age or older and requires a psychological evaluation after the second act of disruptive behavior during the year by a student younger than 13. Requiring psychological evaluations of children, especially younger children, could lend itself to opponents' arguments that this bill will result in the labeling of children who are in need of assistance and direction, not punishment. Such exams could also place a drain on districts' resources.

As written, "First Grader Bobby," whose first experience in a controlled learning environment might be First Grade, could interrupt his teacher without being recognized twice during the school year and a behavior modification plan would be written for Bobby. If Bobby interrupted two more times after the development of his plan and, if the teacher deemed such interruptions to interfere with her ability to communicate to other students in the classroom, Bobby would be given a psychological examination.

I have only received phone calls against SB 2239. The general attitude of the messages has been that, if passed, SB 2239 will give too much discretion to teachers. One caller referred to the bill as the "three strikes, you're out" bill.