



Consequences of Misconduct in School



SCHOOL PROPERTY

Generally, school (or educational) property is any public or private school building, bus, campus, grounds, playground, athletic field, or any property owned, used, or operated by a public or private school board or administration. Miss. Code Ann. 97-32-27(5).

WEAPONS

Possession of a weapon on educational property is a crime. These weapons include firearms, explosives, bowie knives, dirk knives, daggers, slingshots, switchblades, metallic knuckles, razor blades, and “any sharp-pointed or edged instrument except instructional supplies, unaltered nail files and clips and tools used solely for preparation of food, instruction and maintenance on educational property.” Miss. Code Ann. 97-37-17.

Any student who possesses a weapon on educational property is automatically expelled. Miss. Code Ann. 37-11-18.



DISORDERLY CONDUCT

Any person who intends to breach the peace, or who fails or refuses to comply with lawful a lawful request, command, or order of a law enforcement officer is guilty of a misdemeanor and can be fined up to \$500 and sentenced to six months in jail. Miss. Code Ann. 97-35-15.

And anyone who causes, aids, or encourages another to commit “disorderly conduct” can be guilty of the same and sentenced the same.



DISRUPTIVE BEHAVIOR

“Conduct of a student that is so unruly, disruptive or abuse that it seriously interferes with” the school’s ability to communicate, teach, or operate. This can include foul, profane, obscene, or threatening language or actions towards teachers or other employees; defiance, ridicule, or verbal attacks on teachers; or willful, deliberate, and overt acts of disobedience of a teacher. Miss. Code Ann. sec. 37-11-18.1.

If you are habitually disruptive—i.e., more than twice in a school year—you can be placed on a behavior modification plan. And if the disruptive behavior continues, you can be expelled.

DISTURBING THE PEACE

Any person who disturbs the public peace or peace of others by violent, loud, insulting, indecent, offensive, or boisterous conduct or language or by intimidation of others, or by behavior which may lead to a breach of the peace is guilty of a misdemeanor and can be fined up to \$500 and sentenced to six months in jail. Miss. Code Ann. 97-35-15

VANDALISM

Students who willfully destroy, cut, deface, damage, or injury any school building, equipment, or other property can be suspended or expelled. And their guardians or parents will be liable for all damages. Miss. Code Ann. 37-11-19.

FAILURE TO ATTEND

Generally, all children between six and seventeen must be enrolled in school. Miss. Code Ann. 37-13-91. There are few exceptions (Miss. Code Ann. 37-13-91).

If you do not enroll or if you accumulate five unlawful absences, and if the school is unable to enroll you or establish your attendance, the school must file a petition with Youth Court to force compliance with the law. Miss. Code Ann. 97-13-91.

DRUGS & ALCOHOL

Students who possess any illegal controlled substance (except those that are validly prescribed to you) or alcohol may be automatically expelled. Miss. Code Ann. 37-11-18.

Possession of alcohol is illegal for anyone under 21. If you break this law, you can be fined \$200–\$500. Miss. Code Ann. 67-1-81(2). If you lie or present a fake ID to get alcohol, you can be fined \$200–\$500 and be sentenced to 30 days community service. Id.

Being convicted of these crimes will also result in your license being suspended up to 90 days. Id. at (4).

Possession of controlled substances is illegal, and the sentence for violating the law varies based on the type of substance and amount possessed. See Miss. Code Ann. 41-29-139. A first-offense possession of third grams or less of marijuana will result in a \$100–\$250 fine. A second conviction within two years results in a \$250 fine and up to 60 days in jail, as well as mandatory participation in a drug education program. A third conviction increases the fine to \$250–\$1,000 and up to six months in jail. Miss. Code Ann. 41-29-139(2)(A).

Purchasing or possessing tobacco (cigarettes, cigars, pipes, smokeless tobacco, etc.) or any alternative nicotine product (e-cigarettes, vape pens, etc.) is illegal for anyone under 21. Miss. Code Ann. 97-32-9; 97-32-51.

No student of any high school, junior high, or elementary school may possess tobacco or alternative nicotine products on any educational property. Anyone under 21 who violates these rules can be sentenced to community service and a monetary fine. Miss. Code Ann. 97-32-9.

PICTURES & VIDEO

No person—including other minors—should seek, create, or send any “visual depiction” of sexually explicit conduct involving minors. This means any picture, video, drawing or Artificial Intelligence creation. It is illegal to create, possess, or send any sexually explicit depiction involving a minor. Miss. Code Ann. 97-5-33.



YOUTH COURT – PUNISHMENT FOR MISCONDUCT

Youth Courts have exclusive jurisdiction over all proceedings involving children under 18 who have committed a “delinquent act,” meaning any act, which if committed by an adult, would be a crime punishable by anything other than a life sentence or death penalty. That means all misdemeanors and a lot of felonies.

If you commit misconduct at school (or elsewhere!) you can be brought in front of the Youth Court for a hearing.

At any hearing, you have the right to any attorney.

Detention Hearing: A Youth Court Judge may need to determine whether you can or should be released to your parent or guardian. You will be released unless your parent/guardian (1) would be endangered by you; (2) detention is necessary to ensure your attendance in court; (3) your parent/guardian is not available to provide care or supervision. If you are not released, you will be sent to a designated detention or shelter facility.

Adjudicatory Hearing: In Youth Court, you are not “guilty” or “not guilty”-- you are adjudicated to be delinquent or not delinquent. Adjudicatory hearings are like trials – the Youth Court will determine if you have been given proper notice of the proceedings and will explain the process to you. You have the right to an attorney, to remain silent, to present witnesses, to cross examine witnesses, and to present evidence. You also have the right to appeal.

The Youth Court Judge will ask whether you admit or deny the allegations and then will decide whether you are delinquent or in need of supervision. If you are found to be delinquent, then a disposition hearing must occur.

Disposition Hearing: The Youth Court will consider (1) the nature of the offense; (2) the manner in which it was committed; (3) the nature and manner of any other offenses; (4) and your need for care and assistance. Then the judge will enter a disposition order.

The Order may:

1. Release you without further action
2. Place you in the custody of parents, relative, or other guardians
3. Place you on probation
4. Order treatment
5. Order terms of supervision, which may include participation in educational or service programs, monetary fines or restitution, or services to the victim
6. Deny or suspend your driver’s license up to one year
7. Send you to a state-supported training school
8. Order you to participate in a juvenile work program, supervised by law enforcement, to perform between 24 and 120 hours of community service
9. Send you to a juvenile detention center for up to 90 days.