

By: Representative Ford

To: Education

HOUSE BILL NO. 490
(As Passed the House)

1 AN ACT TO REENACT SECTION 37-11-55, MISSISSIPPI CODE OF 1972,
2 WHICH REQUIRES LOCAL SCHOOL BOARDS TO ADOPT A CODE OF STUDENT
3 CONDUCT WHICH INCLUDES PROVISIONS, AMONG OTHERS, RECOGNIZING
4 TEACHERS' RIGHTS TO REMOVE DISRUPTIVE STUDENTS FROM THE CLASSROOM;
5 TO AMEND REENACTED SECTION 37-11-55, MISSISSIPPI CODE OF 1972, TO
6 EXTEND THE DATE OF REPEAL ON THE PROVISIONS OF THAT SECTION
7 RELATING TO THE RIGHT OF TEACHERS TO REMOVE DISRUPTIVE STUDENTS
8 FROM CLASS FROM JULY 1, 2002, TO JULY 1, 2004; AND FOR RELATED
9 PURPOSES.

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

11 **SECTION 1.** Section 37-11-55, Mississippi Code of 1972, is
12 reenacted and amended as follows:

13 37-11-55. The local school board shall adopt and make
14 available to all teachers, school personnel, students and parents
15 or guardians, at the beginning of each school year, a code of
16 student conduct developed in consultation with teachers, school
17 personnel, students and parents or guardians. The code shall be
18 based on the rules governing student conduct and discipline
19 adopted by the school board and shall be made available at the
20 school level in the student handbook or similar publication. The
21 code shall include, but not be limited to:

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

24 (b) Procedures to be followed for acts requiring
25 discipline, including suspensions and expulsion, which comply with
26 due process requirements;

27 (c) An explanation of the responsibilities and rights
28 of students with regard to: attendance; respect for persons and
29 property; knowledge and observation of rules of conduct; free



30 speech and student publications; assembly; privacy; and
31 participation in school programs and activities;

32 (d) Policies and procedures recognizing the teacher as
33 the authority in classroom matters, and supporting that teacher in
34 any decision in compliance with the written discipline code of
35 conduct. Such recognition shall include the right of the teacher
36 to remove from the classroom any student who, in the professional
37 judgment of the teacher, is disrupting the learning environment,
38 to the office of the principal or assistant principal. The
39 principal or assistant principal shall determine the proper
40 placement for the student, who may not be returned to the
41 classroom until a conference of some kind has been held with the
42 parent, guardian or custodian during which the disrupting behavior
43 is discussed and agreements are reached that no further disruption
44 will be tolerated. If the principal does not approve of the
45 determination of the teacher to remove the student from the
46 classroom, the student may not be removed from the classroom, and
47 the principal, upon request from the teacher, must provide
48 justification for his disapproval. This paragraph (d) shall be
49 repealed on July 1, 2004;

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

53 (f) Procedures for the development of behavior
54 modification plans by the school principal, reporting teacher and
55 student's parent for a student who causes a disruption in the
56 classroom, on school property or vehicles, or at school-related
57 activities for a second time during the school year; and

58 (g) Policies and procedures specifically concerning
59 gang-related activities in the school, on school property or
60 vehicles, or at school-related activities.

61 **SECTION 2.** This act shall take effect and be in force from
62 and after July 1, 2002.

