

By: Senator(s) Harden

To: Education

SENATE BILL NO. 2209

1 AN ACT TO AMEND SECTION 37-11-55, MISSISSIPPI CODE OF 1972,  
2 TO DIRECT THE STATE BOARD OF EDUCATION TO ADOPT RULES OR  
3 REGULATIONS REGARDING THE ADMINISTRATION OF CORPORAL PUNISHMENT IN  
4 THE PUBLIC SCHOOLS, AND TO DIRECT LOCAL SCHOOL BOARDS TO ADOPT  
5 PROCEDURES FOR USE IN LOCAL SCHOOL DISTRICTS PRIOR TO THE  
6 2003-2004 SCHOOL YEAR; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 37-11-55, Mississippi Code of 1972, is  
9 amended as follows:

10 37-11-55. (1) On or before August 1, 2003, the State Board  
11 of Education shall adopt rules or regulations regarding the  
12 administration of corporal punishment in the public schools and  
13 shall promulgate such rules or regulations to all local school  
14 boards. Such rules or regulations shall provide procedures for  
15 the administration of corporal punishment in a reasonable manner  
16 and not authorizing the use of excessive force or cruel  
17 punishment, and shall be audited by the Attorney General for  
18 compliance with applicable federal or state court decisions.

19 (2) The local school boards of each public school district  
20 in Mississippi shall adopt the procedures adopted by the State  
21 Board of Education regarding the use of corporal punishment in the  
22 schools as the local school district policy effective with the  
23 2003-2004 school year. The action required of all school boards  
24 under this subsection (2) shall be spread upon the minutes of the  
25 local school board, and shall be incorporated in the code of  
26 student conduct provided under this section.

27 (3) The local school board shall adopt and make available to  
28 all teachers, school personnel, students and parents or guardians,  
29 at the beginning of the 2003-2004 school year, a code of student



30 conduct developed in consultation with the State Board of  
31 Education, teachers, school personnel, students and parents or  
32 guardians. The code shall be based on the rules governing student  
33 conduct and discipline adopted by the school board and shall be  
34 made available at the school level in the student handbook or  
35 similar publication. The code shall include, but not be limited  
36 to:

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

39 (b) Procedures to be followed for acts requiring  
40 discipline, including suspensions and expulsion, which comply with  
41 due process requirements;

42 (c) An explanation of the responsibilities and rights  
43 of students with regard to attendance, respect for persons and  
44 property, knowledge and observation of rules of conduct, free  
45 speech and student publications, assembly, privacy and  
46 participation in school programs and activities;

47 (d) Policies and procedures recognizing the teacher as  
48 the authority in classroom matters, and supporting that teacher in  
49 any decision in compliance with the written discipline code of  
50 conduct; such recognition shall include the right of the teacher  
51 to remove from the classroom any student who, in the professional  
52 judgment of the teacher, is disrupting the learning environment,  
53 to the office of the principal or assistant principal. The  
54 principal or assistant principal shall determine the proper  
55 placement for the student, who may not be returned to the  
56 classroom until a conference of some kind has been held with the  
57 parent, guardian or custodian during which the disrupting behavior  
58 is discussed and agreements are reached that no further disruption  
59 will be tolerated. If the principal does not approve of the  
60 determination of the teacher to remove the student from the  
61 classroom, the student may not be removed from the classroom, and



62 the principal, upon request from the teacher, must provide  
63 justification for his disapproval. \* \* \*

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

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

72 (g) Policies and procedures specifically concerning  
73 gang-related activities in the school, on school property or  
74 vehicles, or at school-related activities.

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

