

By: Senator(s) Harden

To: Education

SENATE BILL NO. 2209  
(As Sent to Governor)

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.

