HOUSE BILL NO. 222

AN ACT TO AMEND SECTION 37-11-18.1, MISSISSIPPI CODE OF 1972, TO INCLUDE SEXUAL MISCONDUCT AND INDECENT EXPOSURE IN THE DEFINITION OF THE TERM "DISRUPTIVE BEHAVIOR" AS USED IN THE STATUTE AUTHORIZING THE AUTOMATIC EXPULSION OF HABITUALLY DISRUPTIVE STUDENTS; TO EXTEND THE REPEALER TO JULY 1, 2004; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 37-11-18.1, Mississippi Code of 1972, is amended as follows:

37-11-18.1. (1) For the purposes of this section:

(a) The term "disruptive behavior" means conduct of a student which is so unruly, disruptive or abusive that it seriously interferes with a school teacher's or school administrator's ability to communicate with the students in a classroom, with a student's ability to learn, or with the operation of a school or school-related activity, and which is not covered by other laws related to violence or possession of weapons or controlled substances on school property, school vehicles or at school-related activities. Such behaviors include, but are not limited to: foul, profane, obscene, threatening, defiant or abusive language or action toward teachers or other school employees; defiance, ridicule or verbal attack of a teacher; sexual misconduct or indecent exposure; and willful, deliberate and overt acts of disobedience of the directions of a teacher; and

(b) The term "habitually disruptive" refers to such actions of a student which cause disruption in a classroom, on school property or vehicles or at a school-related activity on more than two (2) occasions during a school year, and to disruptive behavior that was initiated, willful and overt on the
part of the student and which required the attention of school personnel to deal with the disruption. However, no student shall be considered to be habitually disruptive before the development of a behavior modification plan for the student in accordance with the code of student conduct and discipline plans of the school district.

(2) Any student who is thirteen (13) years of age or older for whom a behavior modification plan is developed by the school principal, reporting teacher and student's parent and which student does not comply with the plan shall be deemed habitually disruptive and subject to automatic expulsion on the occurrence of the third act of disruptive behavior during a school year. After the second act of disruptive behavior during a school year by a student who is younger than thirteen (13) years of age, a psychological evaluation shall be performed upon the child.

(3) This section shall be repealed on July 1, 2004.

SECTION 2. This act shall take effect and be in force from and after July 1, 2003.