

By: Representative Ishee

To: Education

HOUSE BILL NO. 222

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

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

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

10 37-11-18.1. (1) For the purposes of this section:

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

25 (b) The term "habitually disruptive" refers to such
26 actions of a student which cause disruption in a classroom, on
27 school property or vehicles or at a school-related activity on
28 more than two (2) occasions during a school year, and to
29 disruptive behavior that was initiated, willful and overt on the



30 part of the student and which required the attention of school
31 personnel to deal with the disruption. However, no student shall
32 be considered to be habitually disruptive before the development
33 of a behavior modification plan for the student in accordance with
34 the code of student conduct and discipline plans of the school
35 district.

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

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

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

