

By: Representatives Ford, Lott

To: Education

HOUSE BILL NO. 769

1 AN ACT TO AMEND SECTION 37-11-18.1, MISSISSIPPI CODE OF 1972,
2 TO EXTEND THE REPEALER ON THE AUTHORITY TO EXPEL HABITUALLY
3 DISRUPTIVE STUDENTS; AND FOR RELATED PURPOSES.

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

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

7 37-11-18.1. (1) For the purposes of this section:

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

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



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

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

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

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

