

By: Representative Ishee

To: Education; Juvenile
Justice

HOUSE BILL NO. 249

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; AND FOR RELATED PURPOSES.

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

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

9 37-11-18.1. (1) For the purposes of this section:

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

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

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

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

44 (3) This section shall be repealed on July 1, 2007.

45 **SECTION 2.** This act shall take effect and be in force from
46 and after July 1, 2004.