

By: Representative Watson

To: Education

HOUSE BILL NO. 413

1 AN ACT TO AMEND SECTION 37-11-55, MISSISSIPPI CODE OF 1972,
2 WHICH PROVIDES THAT LOCAL SCHOOL BOARDS SHALL ADOPT AND MAKE
3 AVAILABLE A CODE OF STUDENT CONDUCT, TO EXTEND THE REPEALER ON THE
4 PARAGRAPH RECOGNIZING THE TEACHER AS THE AUTHORITY IN CLASSROOM
5 MATTERS; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 37-11-55, Mississippi Code of 1972, is
8 amended as follows:

9 37-11-55. The local school board shall adopt and make
10 available to all teachers, school personnel, students and parents
11 or guardians, at the beginning of each school year, a code of
12 student conduct developed in consultation with teachers, school
13 personnel, students and parents or guardians. The code shall be
14 based on the rules governing student conduct and discipline
15 adopted by the school board and shall be made available at the
16 school level in the student handbook or similar publication. The
17 code shall include, but not be limited to:

18 (a) Specific grounds for disciplinary action under the
19 school district's discipline plan;

20 (b) Procedures to be followed for acts requiring
21 discipline, including suspensions and expulsion, which comply with
22 due process requirements;

23 (c) An explanation of the responsibilities and rights
24 of students with regard to: attendance; respect for persons and
25 property; knowledge and observation of rules of conduct; free
26 speech and student publications; assembly; privacy; and
27 participation in school programs and activities;



28 (d) Policies and procedures recognizing the teacher as
29 the authority in classroom matters, and supporting that teacher in
30 any decision in compliance with the written discipline code of
31 conduct. Such recognition shall include the right of the teacher
32 to remove from the classroom any student who, in the professional
33 judgment of the teacher, is disrupting the learning environment,
34 to the office of the principal or assistant principal. The
35 principal or assistant principal shall determine the proper
36 placement for the student, who may not be returned to the
37 classroom until a conference of some kind has been held with the
38 parent, guardian or custodian during which the disrupting behavior
39 is discussed and agreements are reached that no further disruption
40 will be tolerated. If the principal does not approve of the
41 determination of the teacher to remove the student from the
42 classroom, the student may not be removed from the classroom, and
43 the principal, upon request from the teacher, must provide
44 justification for his disapproval. This paragraph (d) shall be
45 repealed on July 1, 2006;

46 (e) Policies and procedures for dealing with a student
47 who causes a disruption in the classroom, on school property or
48 vehicles, or at school-related activities;

49 (f) Procedures for the development of behavior
50 modification plans by the school principal, reporting teacher and
51 student's parent for a student who causes a disruption in the
52 classroom, on school property or vehicles, or at school-related
53 activities for a second time during the school year; and

54 (g) Policies and procedures specifically concerning
55 gang-related activities in the school, on school property or
56 vehicles, or at school-related activities.

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

