

By: Representative Brown

To: Education

HOUSE BILL NO. 1120

1 AN ACT TO CREATE A NEW SECTION TO BE CODIFIED AS SECTION
 2 37-11-56, MISSISSIPPI CODE OF 1972, TO REQUIRE EACH PUBLIC SCHOOL
 3 TO ESTABLISH A DISCIPLINARY ACTION REVIEW BOARD FOR THE PURPOSE OF
 4 HEARING APPEALS BY TEACHERS WHO OBJECT TO A PRINCIPAL'S DECISION
 5 TO READMIT A STUDENT WHO HAS BEEN REMOVED FROM THE CLASSROOM BY A
 6 TEACHER; TO AMEND SECTION 37-11-55, MISSISSIPPI CODE OF 1972, IN
 7 CONFORMITY TO THE PROVISIONS OF THIS ACT; AND FOR RELATED
 8 PURPOSES.

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

10 **SECTION 1.** The following shall be codified as Section
 11 37-11-56, Mississippi Code of 1972:

12 37-11-56. (1) There is created, in every public school in
 13 the State of Mississippi, a Disciplinary Action Review Board. The
 14 purpose of the board is to hear the appeal of any teacher who
 15 objects to the decision of a principal or other designated
 16 disciplinarian to readmit a student who has been removed from the
 17 teacher's classroom under policies and procedures set forth in the
 18 code of student conduct, as required under Section 37-11-55(d).

19 (2) The Disciplinary Action Review Board must include the
 20 following members:

21 (a) Two (2) teachers to serve as members and one (1)
 22 teacher to serve as an alternate member, as selected by the
 23 school's faculty. However, a teacher objecting to a student's
 24 readmission may not serve on the Student Disciplinary Review Board
 25 when the appeal before the board is being brought by that teacher;
 26 and

27 (b) One (1) faculty member selected by the school's
 28 principal.

29 (3) All appeals must be heard within three (3) school days
 30 of the designated disciplinarian's decision to readmit a student

31 over the disciplining teacher's objections. Until such time that
32 the Student Disciplinary Review Board meets to hear a teacher's
33 appeal, the student who is the subject of the appeal may be
34 reassigned temporarily to another classroom, placed in an
35 in-school suspension or subject to any other available placement
36 option determined by the designated disciplinarian to be
37 appropriate.

38 (4) The Disciplinary Action Review Board's placement
39 determination regarding a student with a disability who receives
40 special education services is subject to the requirements of the
41 Individuals with Disabilities Education Act and federal
42 regulations, state statutes and agency requirements necessary to
43 carry out federal law or regulations or state law relating to
44 special education.

45 **SECTION 2.** Section 37-11-55, Mississippi Code of 1972, is
46 amended as follows:

47 37-11-55. The local school board shall adopt and make
48 available to all teachers, school personnel, students and parents
49 or guardians, at the beginning of each school year, a code of
50 student conduct developed in consultation with teachers, school
51 personnel, students and parents or guardians. The code shall be
52 based on the rules governing student conduct and discipline
53 adopted by the school board and shall be made available at the
54 school level in the student handbook or similar publication. The
55 code shall include, but not be limited to:

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

58 (b) Procedures to be followed for acts requiring
59 discipline, including suspensions and expulsion, which comply with
60 due process requirements;

61 (c) An explanation of the responsibilities and rights
62 of students with regard to: attendance; respect for persons and
63 property; knowledge and observation of rules of conduct; free

64 speech and student publications; assembly; privacy; and
65 participation in school programs and activities;

66 (d) Policies and procedures recognizing the teacher as
67 the authority in classroom matters, and supporting that teacher in
68 any decision in compliance with the written discipline code of
69 conduct. Such recognition shall include the right of the teacher
70 to remove from the classroom any student who, in the professional
71 judgment of the teacher, is disrupting the learning environment,
72 to the office of the principal or assistant principal. The
73 principal or assistant principal shall determine the proper
74 placement for the student, who may not be returned to the
75 classroom until a conference of some kind has been held with the
76 parent, guardian or custodian during which the disrupting behavior
77 is discussed and agreements are reached that no further disruption
78 will be tolerated. If the principal does not approve of the
79 determination of the teacher to remove the student from the
80 classroom, the teacher may appeal any decision of the principal or
81 the principal's designated disciplinarian to return the student to
82 the classroom to the Disciplinary Action Review Board created
83 pursuant to Section 37-11-56;

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

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

92 (g) Policies and procedures specifically concerning
93 gang-related activities in the school, on school property or
94 vehicles, or at school-related activities.

95 **SECTION 3.** This act shall take effect and be in force from
96 and after July 1, 2006.