

By: Representatives Franks, Holland

To: Education

HOUSE BILL NO. 709

1 AN ACT TO AMEND SECTION 37-9-71, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE RIGHT OF THE PARENTS TO A HEARING ON THE SUSPENSION OR
3 DISMISSAL OF A CHILD FROM SCHOOL; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 37-9-71, Mississippi Code of 1972, is
6 amended as follows:

7 37-9-71. The superintendent of schools and the principal of
8 a school shall have the power to suspend a pupil for good cause,
9 including misconduct in the school or on school property, as
10 defined in Section 37-11-29, on the road to and from school, or at
11 any school-related activity or event, or for conduct occurring on
12 property other than school property or other than at a
13 school-related activity or event when that conduct by a pupil, in
14 the determination of the superintendent or principal, renders that
15 pupil's presence in the classroom a disruption to the educational
16 environment of the school or a detriment to the best interest and
17 welfare of the pupils and teacher of the class as a whole, or for
18 any reason for which the pupil might be suspended, dismissed or
19 expelled by the school board under state or federal law or any
20 rule, regulation or policy of the local school district. However,
21 that action of the superintendent or principal shall be subject to
22 review by and the approval or disapproval of the school board. If
23 the parent, guardian or other person having custody of any
24 child * * * feels aggrieved by the suspension or dismissal of that
25 child for a period of more than ten (10) days, then the parent,
26 guardian or other person shall have the right to a due process
27 hearing on the suspension or dismissal. The parent or guardian of

28 the child shall be advised of this right to a hearing by the
29 appropriate superintendent or principal and the proper form shall
30 be provided for requesting such a hearing.

31 **SECTION 2.** This act shall take effect and be in force from
32 and after July 1, 2007.