

By: Representatives Buck, Clark, Hines

To: Education

HOUSE BILL NO. 984

1 AN ACT TO AMEND SECTION 37-11-18.1, MISSISSIPPI CODE OF 1972,
2 TO INCREASE THE NUMBER OF OCCASIONS DURING A SCHOOL YEAR WHICH A
3 STUDENT MUST PARTICIPATE IN DISRUPTIVE BEHAVIOR IN ORDER TO BE
4 DEEMED "HABITUALLY DISRUPTIVE," TO ESTABLISH CERTAIN REQUIREMENTS
5 FOR BEHAVIOR MODIFICATION PLANS DEVELOPED FOR DISRUPTIVE STUDENTS,
6 TO REQUIRE THE STATE DEPARTMENT OF EDUCATION TO TRACK THE NUMBER
7 OF STUDENTS WHO ARE EXPELLED FROM PUBLIC SCHOOLS AS HABITUALLY
8 DISRUPTIVE, AND TO DELETE THE REPEALER ON THE PROVISIONS RELATING
9 TO THE EXPULSION OF HABITUALLY DISRUPTIVE STUDENTS; AND FOR
10 RELATED PURPOSES.

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

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

14 37-11-18.1. (1) For the purposes of this section:

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

29 (b) The term "habitually disruptive" refers to such
30 actions of a student which cause disruption in a classroom, on
31 school property or vehicles or at a school-related activity on

32 more than three (3) occasions during a school year, and to
33 disruptive behavior that was initiated, willful and overt on the
34 part of the student and which required the attention of school
35 personnel to deal with the disruption. However, no student shall
36 be considered to be habitually disruptive before the development
37 of a behavior modification plan for the student in accordance with
38 the code of student conduct and discipline plans of the school
39 district.

40 (2) Every behavior modification plan written pursuant to
41 this section must be developed by a licensed behavior specialist
42 or psychologist and utilize evidence-based practices and positive
43 behavioral intervention supports. The plan must be implemented no
44 later than two (2) weeks after the occurrence of the disruptive
45 behavior.

46 (3) Any student who is thirteen (13) years of age or older
47 for whom a behavior modification plan is developed by the school
48 principal, reporting teacher and student's parent and which
49 student does not comply with the plan shall be deemed habitually
50 disruptive and subject to * * * expulsion on the occurrence of the
51 fourth act of disruptive behavior during a school year. After the
52 second act of disruptive behavior during a school year by a
53 student * * *, a psychological evaluation shall be performed upon
54 the child.

55 (4) The State Department of Education shall track the number
56 of students who are expelled as habitually disruptive students
57 under this section. Each local school district must report all
58 expulsions, including the basis for each expulsion, to the State
59 Department of Education.

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