

By: Representative Zuber

To: Education

HOUSE BILL NO. 1104

1 AN ACT TO AMEND SECTION 37-9-71, MISSISSIPPI CODE OF 1972, TO  
 2 ALIGN THE DUE PROCESS REQUIREMENTS OF SCHOOL ADMINISTRATIVE  
 3 HEARINGS FOR DISCIPLINARY MATTERS TO STATE AND FEDERAL  
 4 CONSTITUTIONAL REQUIREMENTS BY RAISING THE STANDARD OF PROOF FOR  
 5 STUDENT SUSPENSIONS FOR MORE THAN TEN DAYS AND EXPULSIONS TO CLEAR  
 6 AND CONVINCING EVIDENCE; AND FOR RELATED PURPOSES.

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

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

10 37-9-71. The superintendent of schools and the principal of  
 11 a school shall have the power to suspend or expel a pupil for good  
 12 cause, including misconduct in the school or on school property,  
 13 as defined in Section 37-11-29, on the road to and from school, or  
 14 at any school-related activity or event when such conduct by a  
 15 pupil, in the determination of the superintendent or principal,  
 16 renders that pupil's presence in the classroom a disruption to the  
 17 educational environment of the school or a detriment to the best  
 18 interest and welfare of the pupils and teacher of such class as a  
 19 whole, or for any reason for which such pupil might be suspended,  
 20 dismissed or expelled by the school board under state or federal



21 law or any rule, regulation or policy of the local school  
22 district. For any suspension of more than ten (10) days or  
23 expulsions, a student shall have the right to a due process  
24 hearing, be represented by legal counsel, to present evidence and  
25 cross-examine witnesses presented by the district. The student  
26 and the student's parent, legal guardian or person in custody of  
27 the student may appeal suspension of more than ten (10) days and  
28 expulsions to the school board. The standard of proof in all  
29 disciplinary proceedings shall be substantial evidence, but for  
30 suspensions of more than ten (10) days and expulsions, the  
31 standard of proof shall be clear and convincing evidence. The  
32 parent or guardian of the child shall be advised of this right to  
33 a hearing by the appropriate superintendent or principal and the  
34 proper form shall be provided for requesting such a hearing.

35 **SECTION 2.** This act shall take effect and be in force from  
36 and after July 1, 2018.

