

By: Representative Crawford

To: Education

HOUSE BILL NO. 1182

1 AN ACT TO AMEND SECTION 37-11-57, MISSISSIPPI CODE OF 1972,
2 TO PROHIBIT THE USE OF CORPORAL PUNISHMENT IN PUBLIC SCHOOLS TO
3 DISCIPLINE A STUDENT WITH A DISABILITY WHO HAS AN IEP OR SECTION
4 504 PLAN; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 37-11-57, Mississippi Code of 1972, is
7 amended as follows:

8 37-11-57. (1) Except in the case of excessive force or
9 cruel and unusual punishment, a public school teacher, assistant
10 teacher, principal, or an assistant principal acting within the
11 course and scope of his employment shall not be liable for any
12 action carried out in conformity with state or federal law or
13 rules or regulations of the State Board of Education or the local
14 school board or governing board of a charter school regarding the
15 control, discipline, suspension and expulsion of students. The
16 local school board shall provide any necessary legal defense to a
17 teacher, assistant teacher, principal, or assistant principal in
18 the school district who was acting within the course and scope of
19 his employment in any action which may be filed against such



20 school personnel. A school district or charter school, as the
21 case may be, shall be entitled to reimbursement for legal fees and
22 expenses from its employee if a court finds that the act of the
23 employee was outside the course and scope of his employment, or
24 that the employee was acting with criminal intent. Any action by
25 a school district or charter school against its employee and any
26 action by the employee against the school district or charter
27 school for necessary legal fees and expenses shall be tried to the
28 court in the same suit brought against the school employee.

29 (2) Corporal punishment administered in a reasonable manner,
30 or any reasonable action to maintain control and discipline of
31 students taken by a public school teacher, assistant teacher,
32 principal or assistant principal acting within the scope of his
33 employment or function and in accordance with any state or federal
34 laws or rules or regulations of the State Board of Education or
35 the local school board or governing board of a charter school does
36 not constitute negligence or child abuse. No public school
37 teacher, assistant teacher, principal or assistant principal so
38 acting shall be held liable in a suit for civil damages alleged to
39 have been suffered by a student as a result of the administration
40 of corporal punishment, or the taking of action to maintain
41 control and discipline of a student, unless the court determines
42 that the teacher, assistant teacher, principal or assistant
43 principal acted in bad faith or with malicious purpose or in a
44 manner exhibiting a wanton and willful disregard of human rights



45 or safety. For the purposes of this subsection, "corporal
46 punishment" means the reasonable use of physical force or physical
47 contact by a teacher, assistant teacher, principal or assistant
48 principal, as may be necessary to maintain discipline, to enforce
49 a school rule, for self-protection or for the protection of other
50 students from disruptive students.

51 (3) Notwithstanding subsection (2) of this section a public
52 school teacher, assistant teacher, principal, assistant principal
53 or other school personnel is prohibited from using corporal
54 punishment, as defined in subsection (2) of this section, on any
55 student with a disability. No school personnel shall be granted
56 immunity from liability under subsection (2) of this section for
57 the use of corporal punishment on a student with a disability.
58 For purposes of this subsection, the term "student with a
59 disability" means a student who has an individualized education
60 plan (IEP) under the Individuals with Disabilities Education Act
61 (IDEA) or a Section 504 plan under the Rehabilitation Act of 1973.
62 The term "school personnel" includes all individuals employed on a
63 full-time or part-time basis by a public school.

64 **SECTION 2.** This act shall take effect and be in force from
65 and after July 1, 2019.

