

By: Representatives Mickens, Denton, Porter, To: Education
Karriem

HOUSE BILL NO. 12

1 AN ACT TO AMEND SECTION 37-11-57, MISSISSIPPI CODE OF 1972,
2 TO PROHIBIT THE USE OF CORPORAL PUNISHMENT IN PUBLIC AND CHARTER
3 SCHOOLS TO DISCIPLINE A STUDENT; TO PROVIDE THAT ANY EMPLOYEE WHO
4 VIOLATES THE CORPORAL PUNISHMENT PROHIBITION SHALL BE HELD LIABLE
5 FOR CIVIL DAMAGES SUFFERED BY A STUDENT AS A RESULT OF THE
6 ADMINISTRATION OF CORPORAL PUNISHMENT; AND FOR RELATED PURPOSES.

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

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

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



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

31 (2) Corporal punishment is prohibited from being
32 administered in * * * any * * * public or charter school as an
33 action to maintain control and discipline of students taken by a
34 public school teacher, assistant teacher, principal or assistant
35 principal employed by the local public school district or charter
36 school acting within the scope of his or her employment * * *.

37 * * * Any public school or charter school teacher, assistant
38 teacher, principal or assistant principal so acting, who violates
39 this subsection, shall be held liable in a suit for civil damages
40 alleged to have been suffered by a student as a result of the
41 administration of corporal punishment * * * if the court
42 determines that the teacher, assistant teacher, principal or
43 assistant principal acted in bad faith or with malicious purpose
44 or in a manner exhibiting a wanton and willful disregard of human
45 rights 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 * * * to maintain discipline, to enforce a school rule,
49 for self-protection or for the protection of other students from
50 disruptive students.

51 * * * **SECTION 2.** This act shall take effect and be in force
52 from and after July 1, 2020.

