

By: Representatives Hudson, Anthony, Crudup, To: Education  
Denton, Foster, McLeod, Porter, Summers,  
Thompson, Young

## HOUSE BILL NO. 1297

1 AN ACT TO AMEND SECTION 37-11-18.1, MISSISSIPPI CODE OF 1972,  
2 TO REQUIRE HABITUALLY DISRUPTIVE STUDENTS TO BE EVALUATED FOR A  
3 DISABILITY UNDER THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT  
4 (IDEA) AFTER THE SECOND INCIDENT OF DISRUPTIVE BEHAVIOR; TO  
5 REQUIRE THE DEVELOPMENT OF BEHAVIORAL MODIFICATION PLANS FOR SUCH  
6 STUDENTS; AND FOR RELATED PURPOSES.

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

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

10 37-11-18.1. (1) For the purposes of this section:

11 (a) The term "disruptive behavior" means conduct of a  
12 student that is so unruly, disruptive or abusive that it seriously  
13 interferes with a schoolteacher's or school administrator's  
14 ability to communicate with the students in a classroom, with a  
15 student's ability to learn, or with the operation of a school or  
16 school-related activity, and which is not covered by other laws  
17 related to violence or possession of weapons or controlled  
18 substances on school property, school vehicles or at  
19 school-related activities. Such behaviors include, but are not  
20 limited to: foul, profane, obscene, threatening, defiant or



21 abusive language or action toward teachers or other school  
22 employees; defiance, ridicule or verbal attack of a teacher; and  
23 willful, deliberate and overt acts of disobedience of the  
24 directions of a teacher; and

25 (b) The term "habitually disruptive" refers to such  
26 actions of a student which cause disruption in a classroom, on  
27 school property or vehicles or at a school-related activity on  
28 more than two (2) occasions during a school year, and to  
29 disruptive behavior that was initiated, willful and overt on the  
30 part of the student and which required the attention of school  
31 personnel to deal with the disruption. However, no student shall  
32 be considered to be habitually disruptive before the development  
33 of a behavior modification plan for the student in accordance with  
34 the code of student conduct and discipline plans of the school  
35 district.

36 (2) Every behavior modification plan written pursuant to  
37 this section must be developed by utilizing evidence-based  
38 practices and positive behavioral intervention supports. The  
39 behavior modification plan must be developed with input from the  
40 parent or guardian along with the school counselor and teachers,  
41 along with a psychologist or behavioral specialist. The plan  
42 should be developed only after:

43 (a) An assessment of the behavior which is conducted by  
44 identifying the "target" or problem behaviors;



(b) An observation of the child has be conducted,  
perhaps in different environments, and collection of data on:

- (i) The target behavior;
- (ii) The antecedents to the behavior;
- (iii) The time the behavior occurs;
- (iv) The situations where the behavior occurs; and
- (v) The consequences of the behavior;

(c) The formulation of a hypothesis about the cause(s)  
of the behavior and summary statement; and

(d) Interventions with the highest potential of  
changing the behavior have been developed.

The need for a behavior modification plan should trigger the  
public agency to identify, locate and evaluate the minor child to  
determine if the child has a disability which is manifested by the  
habitually disruptive behavior, and if the child is entitled to  
special education services under the Individuals with Disabilities  
in Education Act (IDEA) for that disability. The plan must be  
implemented no later than two (2) weeks after the occurrence of  
the disruptive behavior.

(3) Any student who is thirteen (13) years of age or older  
for whom a behavior modification plan is developed by the school  
principal, reporting teacher and student's parent and which  
student does not comply with the plan shall be deemed habitually  
disruptive and subject to possible expulsion or alternative school  
on the occurrence of the third act of disruptive behavior during a



70 school year with the exception of students receiving special  
71 education services under an Individualized Education Program (IEP)  
72 pursuant to the Individuals with Disabilities in Education Act  
73 (IDEA) or services under a 504 Plan pursuant to the Rehabilitation  
74 Act of 1973. After the second act of disruptive behavior during a  
75 school year by a student, a psychological evaluation shall be  
76 performed upon the child in addition to a comprehensive evaluation  
77 for special education services under IDEA. Any student who does  
78 not qualify for special education services under IDEA must be  
79 considered for eligibility for educational services under a 504  
80 Plan.

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

