

By: Representative Mickens

To: Education

## HOUSE BILL NO. 194

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 PROVIDE THAT ANY EMPLOYEE WHO VIOLATES THE CORPORAL  
4 PUNISHMENT PROHIBITION SHALL BE HELD LIABLE FOR CIVIL DAMAGES  
5 SUFFERED BY A STUDENT AS A RESULT OF THE ADMINISTRATION OF  
6 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 \* \* \*.  
33 \* \* \* Any public school or charter school teacher, assistant  
34 teacher, principal or assistant principal \* \* \* who violates this  
35 subsection shall be held liable in a suit for civil damages  
36 alleged to have been suffered by a student as a result of the  
37 administration of corporal punishment \* \* \*. For the purposes of  
38 this subsection, "corporal punishment" means the reasonable use of  
39 physical force or physical contact by a teacher, assistant  
40 teacher, principal or assistant principal \* \* \* to maintain  
41 discipline, to enforce a school rule, for self-protection or for  
42 the protection of other students from disruptive students.

43 \* \* \*

44 **SECTION 2.** This act shall take effect and be in force from  
45 and after July 1, 2022.

