

By: Representative Crawford

To: Education

HOUSE BILL NO. 291

1 AN ACT TO AMEND SECTION 37-11-57, MISSISSIPPI CODE OF 1972,  
 2 TO REQUIRE SCHOOL DISTRICTS THAT PRACTICE CORPORAL PUNISHMENT TO  
 3 ADOPT A POLICY ALLOWING PARENTS OR LEGAL GUARDIANS OF STUDENTS TO  
 4 REQUEST THAT THEIR CHILD BE INCLUDED IN THE DISTRICT CORPORAL  
 5 PUNISHMENT PROGRAM; TO REQUIRE PARENTS OR LEGAL GUARDIANS TO  
 6 SUBMIT THEIR REQUEST FOR INCLUSION IN THE PROGRAM IN WRITING; TO  
 7 PROVIDE THAT WITHDRAWAL FROM THE PROGRAM MUST BE IN WRITING ALSO;  
 8 AND FOR RELATED PURPOSES.

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

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

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



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

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



47 principal acted in bad faith or with malicious purpose or in a  
48 manner exhibiting a wanton and willful disregard of human rights  
49 or safety. For the purposes of this subsection, "corporal  
50 punishment" means the reasonable use of physical force or physical  
51 contact by a teacher, assistant teacher, principal or assistant  
52 principal, as may be necessary to maintain discipline, to enforce  
53 a school rule, for self-protection or for the protection of other  
54 students from disruptive students.

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

68 (4) In every school district that practices corporal  
69 punishment, the local school board shall adopt a policy allowing  
70 each student's parent or legal guardian to choose to include that  
71 student in the school district's corporal punishment program.



72 Each school year, every public school district must provide  
73 written notice to parents or guardians of students explaining the  
74 school district's policy regarding corporal punishment. The  
75 written notice must inform parents of their rights to request, in  
76 writing, the inclusion of their child in the school district's  
77 corporal punishment program. Inclusion in the program shall last  
78 for the remainder of the school year in which the request is  
79 submitted, and it may be withdrawn by written notice at any time.  
80 Notwithstanding subsection (2) of this section, a public school  
81 teacher, assistant teacher, principal, assistant principal or  
82 other school personnel is prohibited from using corporal  
83 punishment, as defined in subsection (2) of this section, on any  
84 student whose parent or legal guardian has not included the  
85 student in the school district's corporal punishment program. No  
86 school personnel shall be granted immunity from liability under  
87 subsection (2) of this section for the use of corporal punishment  
88 on a student whose parent or legal guardian has not included the  
89 student in the school district's corporal punishment program.  
90 This subsection shall not apply to any student for whom subsection  
91 (3) of this section applies.

92       **SECTION 2.** This act shall take effect and be in force from  
93 and after July 1, 2023.

