

By: Representative Mickens

To: Education

HOUSE BILL NO. 70

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, 2024.

