

By: Representative Crawford

To: Education

HOUSE BILL NO. 1514

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, 2024.

