

By: Senator(s) Parker

To: Education

## SENATE BILL NO. 2624

1 AN ACT TO REQUIRE LOCAL SCHOOL BOARDS TO DEVELOP AND PUBLIC  
2 SCHOOLS LOCATED WITHIN THE SCHOOL DISTRICT TO IMPLEMENT  
3 AGE-APPROPRIATE AND DEVELOPMENTALLY APPROPRIATE POLICIES RELATING  
4 TO STUDENT CELL PHONE POSSESSION AND USE ON SCHOOL PROPERTY DURING  
5 THE ACADEMIC SCHOOL DAY FROM BELL-TO-BELL; TO SPECIFY THE MINIMUM  
6 PROVISIONS TO BE CONTAINED IN EACH SCHOOL CELL PHONE FREE  
7 EDUCATION POLICY APPLICABLE TO ELEMENTARY, MIDDLE AND HIGH SCHOOL  
8 STUDENTS; TO PRESCRIBE EXCEPTIONS TO POSSESSION; TO PROHIBIT  
9 STUDENTS FROM BEING SUSPENDED OR EXPELLED AS A CONSEQUENCE OF ANY  
10 VIOLATION OF SUCH POLICIES; TO REQUIRE SCHOOL DISTRICTS TO  
11 ESTABLISH PROCEDURES FOR OFF-SITE EVENTS; TO REQUIRE SCHOOL BOARDS  
12 TO MAKE ITS POLICY PUBLICLY AVAILABLE AND POSTED PROMINENTLY ON  
13 THE SCHOOL DISTRICT'S WEBSITE; TO REQUIRE SCHOOL BOARDS, WHEN  
14 DESIGNING ITS CELL PHONE FREE EDUCATION POLICY, TO INCORPORATE  
15 SCHOOL-BASED EMERGENCY BEST PRACTICES IN ITS COMPREHENSIVE SCHOOL  
16 SAFETY PLAN; TO PROVIDE FOR THE CONSTRUCTION OF THIS ACT; TO AMEND  
17 SECTIONS 37-11-55 AND 37-11-57, MISSISSIPPI CODE OF 1972, IN  
18 CONFORMITY TO THE PRECEDING PROVISIONS REGARDING THE PROHIBITION  
19 ON SUSPENDING OR EXPELLING STUDENTS FOR BEING IN VIOLATION OF THE  
20 CELL PHONE POSSESSION POLICY; AND FOR RELATED PURPOSES.

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

22 **SECTION 1.** As used in this act, the following terms shall  
23 have the meaning ascribed herein, unless context of use clearly  
24 indicates otherwise:

25 (a) "Bell-to-bell" means from when the first bell rings  
26 at the start of the school day to begin instructional time until



the dismissal bell rings at the end of the academic school day.  
"Bell-to-bell" includes lunch and time in between class periods.

(b) "Cell phone free education" means the  
age-appropriate elimination or restriction of cell phones and  
other personal electronic communication devices in public schools.

(c) "Cell phone" means a personal device capable of  
making calls, transmitting pictures or video, or sending or  
receiving messages through electronic means. The definition of  
cell phone is inclusive of a nonsmart phone that is limited to  
making phone calls or text messages, a smart phone that  
encompasses the above features, and other future personal  
electronic communication devices with the abovementioned  
characteristics.

(d) "Instructional time" means any structured or  
unstructured learning experiences that occur from when the first  
bell rings at the start of the school day until the dismissal bell  
rings at the end of the academic school day.

(e) "Personal electronic communication device" means  
any personal device capable of connecting to a smart phone, the  
internet, a cellular or Wi-Fi network, or directly connects to  
another similar device. Personal electronic communication devices  
may include some wearable devices such as smart watches, as well  
as personal headphones, laptops, tablets and other future personal  
electronic communication devices with the abovementioned  
characteristics.



(f) "Stored" means a cell phone or personal electronic communication device not being carried on the student's person, including not in the student's pocket. Options school districts could choose to define as storage options include, but are not limited to, in the student's backpack, in the student's locker, in a locked pouch or in a designated place within the classroom.

**SECTION 2.** (1) The local school board of each public school district shall develop, and each public elementary and secondary school shall implement age-appropriate and developmentally appropriate policies relating to student cell phone possession and use on school property during the academic school day from bell-to-bell. The policies shall:

(a) Except as provided in paragraph (d) of this subsection, restrict, to the fullest extent possible, student cell phone possession and use in the classroom during instructional hours of the academic school day;

(b) To the extent that student cell phone possession and use is otherwise permitted on school property outside of the classroom during regular school hours, regulate such possession and use with the objective of reducing any distractions in or disruptions to the learning environment, including bullying and harassment;

(c) Ensure that implementation and enforcement of such policies:



(i) Is the responsibility of the school building administration;

(ii) Minimizes, to the extent possible, any conflict with the instructional responsibilities of teachers or any disturbance to instructional time; and

(iii) Does not involve any school resource officer who may be employed in any school in the school district;

(d) Permit any student, pursuant to an Individualized Education Plan (IEP) under Chapter 23, Title 37, Mississippi Code of 1972, or a plan developed under Section 504 of the "Rehabilitation Act of 1973," 29 USCS Section 794, as developed by the district IEP Committee or certified statement from a licensed physician, or if otherwise determined appropriate by the school board, to possess and use a cell phone on school property, including in the classroom, during regular school hours to monitor or address a health concern or as an accommodation or assistive technology support;

(e) Expressly prohibit any student from being suspended, expelled or removed from class as a consequence of any violation of such policies;

(f) Expressly prohibit access to websites, web applications or software that allow students to access social media platforms through the use of Internet provided by school district, except when expressly directed by the teacher solely for educational purposes; and



101 (g) Prohibit the removal of recess as a form of  
102 punishment for students found to be in possession of a cell phone  
103 in violation of this act.

104 (2) (a) In elementary schools for students in Kindergarten  
105 through Grade 5, cell phone free education policies shall, at a  
106 minimum, provide:

107 (i) Cell phones and personal electronic  
108 communication devices will not be used by elementary students  
109 within the school building or on school grounds;

110 (ii) If a parent decides that an elementary  
111 student should bring a cell phone or personal electronic  
112 communication device to school, the device must be turned off and  
113 stored away from the student during the school day;

114 (iii) School districts must make policies that  
115 determine cell phone and personal electronic communication device  
116 use on school buses where elementary students are present;

117 (iv) Students must use school-based communication  
118 tools and platforms, whether in the office, classroom or other  
119 centralized location, to communicate nonemergency needs with  
120 parents; and

121 (v) Parents and educators should use school-based  
122 communication tools and channels to communicate emergencies and  
123 nonemergencies during bell-to-bell instructional time. It is  
124 encouraged to have a school official available to support the



student in the event of communication involving a family  
emergency;

(b) In middle schools for students in Grades 6 through  
8, cell phone free education policies shall, at a minimum,  
provide:

(i) Students shall not have a cell phone or  
personal electronic communication device during the bell-to-bell  
school day;

(ii) If cell phones or personal electronic  
communication devices are brought to school, they must be stored  
and turned off during the bell-to-bell school day;

(iii) Specifically for time periods outside of the  
bell-to-bell school day, school districts must adopt policies that  
determine appropriate cell phone and personal electronic  
communication device use by students, including before and after  
school, on school buses, within the school building and on school  
grounds;

(iv) Students must use school-based communication  
tools and platforms, whether in the office, classroom, or other  
centralized location, to communicate nonemergency needs with  
parents;

(v) Parents should use school-based communication  
tools and channels to communicate emergencies and nonemergencies.  
It is encouraged to have a school official available to support



the student in the event of communication involving a family emergency;

(vi) Educators and all cocurricular and extracurricular sponsors must use nonsocial media-based applications for communications with students regarding activity and athletic scheduling information during school hours; and

(vii) Schools should provide students with developmentally appropriate guidance and support on the appropriate use of school-issued technology devices, educational applications, and educational tools for academic, both classroom and homework assignments, and for educational research purposes; and

(c) In high schools for students in Grades 9 through 12, cell phone free education policies shall, at a minimum, provide:

(i) Students shall not have a cell phone or personal electronic communication device during the bell-to-bell school day;

(ii) If cell phones or personal electronic communication devices are brought to school, they must also be stored and off during the bell-to-bell school day;

(iii) Outside of the bell-to-bell instructional time, cell phones and personal electronic communication devices may be used on a high school campus before or after school;



(iv) During bell-to-bell instructional time, students must use school-based communication tools and platforms, whether in the office, classroom or other centralized location, to communicate nonemergency needs with parents;

(v) Parents should use school-based communication tools and channels to communicate emergencies during bell-to-bell instructional time;

(vi) Educators and all cocurricular and extracurricular sponsors must use nonsocial media-based applications to communicate activity and athletic scheduling information with students during school hours; and

(vii) Schools should provide high school students developmentally appropriate guidance and support on the appropriate use of school-issued technology devices, educational apps and educational tools for academic, both classroom and homework assignments, and for educational research purposes.

(3) (a) If a school district has school facilities that house students in multiple grades other than those specific to elementary only, middle school only or high school only, the appropriate definition of cell phone free education shall be applicable to the respective grades housed therein.

(b) If a school student travels to a different campus or facility during the school day, they must adhere to that building's policy and procedures for cell phones and personal electronic communication devices.





(4) Each school district shall establish procedures for off-site events, including:

- (a) All school-sponsored events and field trips;
- (b) Transportation, including daily bus transport;
- (c) Athletic participants;
- (d) Multiple instructional settings; and
- (e) Other nonbuilding specific instructional opportunities that do not occur on the school campus.

(5) Each school board shall make any policy it adopts under this act publicly available and post it prominently on the school district's website, if it has one.

**SECTION 3.** No violation of any student cell phone possession and use policy developed or implemented in accordance with Section 2 of this act shall alone constitute sufficient cause for a student's suspension or expulsion from school pursuant to Section 37-11-55 or disruptive behavior authorizing a teacher to remove a student from class pursuant to Section 37-11-57. Any violation of any cell phone possession and use policy that involves, coincides with, or results in an instance of disruptive behavior shall be addressed in accordance with the regulations on codes of student conduct adopted by each school board pursuant to Section 37-11-55.

**SECTION 4.** (1) When designing its cell phone free education policy, a school district shall incorporate school-based emergency best practices in its comprehensive school safety plan, required under Section 37-3-83, which includes staff training, student



drills and parent re-unification and communication plans, as well as also ensuring that parents of students who are directly impacted or critically injured are contacted directly versus through a mass communication or recording. School districts must publicly share:

(a) How school-based personnel are trained to manage crisis and emergency situations;

(b) Reunification plans; and

(c) Family notification processes during crisis situations.

(2) Public schools should notify parents at the start of the school year about any updates to the annual comprehensive school safety plan and clearly outline the communications plan for parent notification should a school-based emergency or crisis occur, including any relevant or timely follow-up information regarding a school-based emergency event. School districts must be clear in protocols whether or not students can access their stored cell phone or personal electronic communication device during a school-based emergency, and clearly communicate this policy to parents and students.

**SECTION 5.** The provisions of Section 2 of this act shall not be construed to require the school board of a local school district to adopt a policy that prohibits all cell phone use by students. Nonetheless, any school board that adopts a policy



prohibiting all cellular telephone use by students shall be considered to have met the requirements in Section 2 of this act.

**SECTION 6.** Section 37-11-55, Mississippi Code of 1972, is amended as follows:

37-11-55. (1) The local school board shall adopt and make available to all teachers, school personnel, students and parents or guardians, at the beginning of each school year, a code of student conduct developed in consultation with teachers, school personnel, students and parents or guardians. The code shall be based on the rules governing student conduct and discipline adopted by the school board and shall be made available at the school level in the student handbook or similar publication. The code shall include, but not be limited to:

(a) Specific grounds for disciplinary action under the school district's discipline plan;

(b) Procedures to be followed for acts requiring discipline, including suspensions and expulsion, which comply with due process requirements;

(c) An explanation of the responsibilities and rights of students with regard to: attendance; respect for persons and property; knowledge and observation of rules of conduct; free speech and student publications; assembly; privacy; and participation in school programs and activities;

(d) Policies and procedures recognizing the teacher as the authority in classroom matters, and supporting that teacher in



272 any decision in compliance with the written discipline code of  
273 conduct. Such recognition shall include the right of the teacher  
274 to remove from the classroom any student who, in the professional  
275 judgment of the teacher, is disrupting the learning environment,  
276 to the office of the principal or assistant principal. The  
277 principal or assistant principal shall determine the proper  
278 placement for the student, who may not be returned to the  
279 classroom until a conference of some kind has been held with the  
280 parent, guardian or custodian during which the disrupting behavior  
281 is discussed and agreements are reached that no further disruption  
282 will be tolerated. If the principal does not approve of the  
283 determination of the teacher to remove the student from the  
284 classroom, the student may not be removed from the classroom, and  
285 the principal, upon request from the teacher, must provide  
286 justification for his disapproval;

287 (e) Policies and procedures for dealing with a student  
288 who causes a disruption in the classroom, on school property or  
289 vehicles, or at school-related activities;

290 (f) Procedures for the development of behavior  
291 modification plans by the school principal, reporting teacher and  
292 student's parent for a student who causes a disruption in the  
293 classroom, on school property or vehicles, or at school-related  
294 activities for a second time during the school year; and



(g) Policies and procedures specifically concerning gang-related activities in the school, on school property or vehicles, or at school-related activities.

(2) Students may be suspended or expelled from attendance at school for sufficient cause. However, in no case may sufficient cause for suspension or expulsion include only a violation by any student of the cell phone possession and use policy developed and implemented pursuant to Section 2 of this act.

**SECTION 7.** Section 37-11-57, Mississippi Code of 1972, is amended as follows:

37-11-57. (1) Except in the case of excessive force or cruel and unusual punishment, a public school teacher, assistant teacher, principal, or an assistant principal acting within the course and scope of his employment shall not be liable for any action carried out in conformity with state or federal law or rules or regulations of the State Board of Education or the local school board or governing board of a charter school regarding the control, discipline, suspension and expulsion of students; however, in no case may sufficient cause for suspension or expulsion only include a violation by any student of the cell phone possession and use policy developed and implemented pursuant to Section 2 of this act. The local school board shall provide any necessary legal defense to a teacher, assistant teacher, principal, or assistant principal in the school district who was acting within the course and scope of his employment in any action



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

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



manner exhibiting a wanton and willful disregard of human rights or safety. For the purposes of this subsection, "corporal punishment" means the reasonable use of physical force or physical contact by a teacher, assistant teacher, principal or assistant principal, as may be necessary to maintain discipline, to enforce a school rule, for self-protection or for the protection of other students from disruptive students.

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

**SECTION 8.** This act shall take effect and be in force from and after July 1, 2025.

