

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

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

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

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

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

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



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

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

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

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



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

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

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

96 (f) Expressly prohibit access to websites, web  
97 applications or software that allow students to access social  
98 media platforms through the use of Internet provided by school  
99 district, except when expressly directed by the teacher solely for  
100 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



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

127 (b) In middle schools for students in Grades 6 through  
128 8, cell phone free education policies shall, at a minimum,  
129 provide:

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

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

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

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

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

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

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

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

161 (c) In high schools for students in Grades 9 through  
162 12, cell phone free education policies shall, at a minimum,  
163 provide:

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

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

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



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

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

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

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

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

194 (b) If a school student travels to a different campus  
195 or facility during the school day, they must adhere to that  
196 building's policy and procedures for cell phones and personal  
197 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



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

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

230 (b) Reunification plans; and

231 (c) Family notification processes during crisis  
232 situations.

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

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

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

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

251       37-11-55. (1) The local school board shall adopt and make  
252 available to all teachers, school personnel, students and parents  
253 or guardians, at the beginning of each school year, a code of  
254 student conduct developed in consultation with teachers, school  
255 personnel, students and parents or guardians. The code shall be  
256 based on the rules governing student conduct and discipline  
257 adopted by the school board and shall be made available at the  
258 school level in the student handbook or similar publication. The  
259 code shall include, but not be limited to:

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

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

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

270               (d) Policies and procedures recognizing the teacher as  
271 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

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

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

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

305                   37-11-57. (1) Except in the case of excessive force or  
306                   cruel and unusual punishment, a public school teacher, assistant  
307                   teacher, principal, or an assistant principal acting within the  
308                   course and scope of his employment shall not be liable for any  
309                   action carried out in conformity with state or federal law or  
310                   rules or regulations of the State Board of Education or the local  
311                   school board or governing board of a charter school regarding the  
312                   control, discipline, suspension and expulsion of students;  
313                   however, in no case may sufficient cause for suspension or  
314                   expulsion only include a violation by any student of the cell  
315                   phone possession and use policy developed and implemented pursuant  
316                   to Section 2 of this act. The local school board shall provide  
317                   any necessary legal defense to a teacher, assistant teacher,  
318                   principal, or assistant principal in the school district who was  
319                   acting within the course and scope of his employment in any action



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

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



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

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

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

