

By: Representative Ford

To: Education

HOUSE BILL NO. 490

1 AN ACT TO REENACT SECTION 37-11-55, MISSISSIPPI CODE OF 1972,
2 WHICH REQUIRES LOCAL SCHOOL BOARDS TO ADOPT A CODE OF STUDENT
3 CONDUCT WHICH INCLUDES PROVISIONS, AMONG OTHERS, RECOGNIZING
4 TEACHERS' RIGHTS TO REMOVE DISRUPTIVE STUDENTS FROM THE CLASSROOM;
5 TO AMEND REENACTED SECTION 37-11-55, MISSISSIPPI CODE OF 1972, TO
6 EXTEND THE DATE OF REPEAL ON THE PROVISIONS OF THAT SECTION
7 RELATING TO THE RIGHT OF TEACHERS TO REMOVE DISRUPTIVE STUDENTS
8 FROM CLASS FROM JULY 1, 2002, TO JULY 1, 2003; AND FOR RELATED
9 PURPOSES.

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

11 **SECTION 1.** Section 37-11-55, Mississippi Code of 1972, is
12 reenacted and amended as follows:

13 37-11-55. The local school board shall adopt and make
14 available to all teachers, school personnel, students and parents
15 or guardians, at the beginning of each school year, a code of
16 student conduct developed in consultation with teachers, school
17 personnel, students and parents or guardians. The code shall be
18 based on the rules governing student conduct and discipline
19 adopted by the school board and shall be made available at the
20 school level in the student handbook or similar publication. The
21 code shall include, but not be limited to:

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

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

27 (c) An explanation of the responsibilities and rights
28 of students with regard to: attendance; respect for persons and
29 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 any decision in compliance with the written discipline code of conduct. Such recognition shall include the right of the teacher to remove from the classroom any student who, in the professional judgment of the teacher, is disrupting the learning environment, to the office of the principal or assistant principal. The principal or assistant principal shall determine the proper placement for the student, who may not be returned to the classroom until a conference of some kind has been held with the parent, guardian or custodian during which the disrupting behavior is discussed and agreements are reached that no further disruption will be tolerated. If the principal does not approve of the determination of the teacher to remove the student from the classroom, the student may not be removed from the classroom, and the principal, upon request from the teacher, must provide justification for his disapproval. This paragraph (d) shall be repealed on July 1, 2003;

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

(f) Procedures for the development of behavior modification plans by the school principal, reporting teacher and student's parent for a student who causes a disruption in the classroom, on school property or vehicles, or at school-related 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.

SECTION 2. This act shall take effect and be in force from and after July 1, 2002.

