

By: Representatives Ishee, Creel, Masterson

To: Education

HOUSE BILL NO. 1523

1 AN ACT TO AMEND SECTION 37-11-18.1, MISSISSIPPI CODE OF 1972,  
2 TO INCLUDE SEXUAL MISCONDUCT AND INDECENT EXPOSURE IN THE  
3 DEFINITION OF THE TERM "DISRUPTIVE BEHAVIOR" AS USED IN THE  
4 STATUTE AUTHORIZING THE AUTOMATIC EXPULSION OF HABITUALLY  
5 DISRUPTIVE STUDENTS; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 37-11-18.1, Mississippi Code of 1972, is  
8 amended as follows:

9 37-11-18.1. (1) For the purposes of this section:

10 (a) The term "disruptive behavior" means conduct of a  
11 student which is so unruly, disruptive or abusive that it  
12 seriously interferes with a school teacher's or school  
13 administrator's ability to communicate with the students in a  
14 classroom, with a student's ability to learn, or with the  
15 operation of a school or school-related activity, and which is not  
16 covered by other laws related to violence or possession of weapons  
17 or controlled substances on school property, school vehicles or at  
18 school-related activities. Such behaviors include, but are not  
19 limited to: foul, profane, obscene, threatening, defiant or  
20 abusive language or action toward teachers or other school  
21 employees; defiance, ridicule or verbal attack of a teacher;  
22 sexual misconduct or indecent exposure; and willful, deliberate  
23 and overt acts of disobedience of the directions of a teacher; and

24 (b) The term "habitually disruptive" refers to such  
25 actions of a student which cause disruption in a classroom, on  
26 school property or vehicles or at a school-related activity on  
27 more than two (2) occasions during a school year, and to  
28 disruptive behavior that was initiated, willful and overt on the



29 part of the student and which required the attention of school  
30 personnel to deal with the disruption. However, no student shall  
31 be considered to be habitually disruptive before the development  
32 of a behavior modification plan for the student in accordance with  
33 the code of student conduct and discipline plans of the school  
34 district.

35 (2) Any student who is thirteen (13) years of age or older  
36 for whom a behavior modification plan is developed by the school  
37 principal, reporting teacher and student's parent and which  
38 student does not comply with the plan shall be deemed habitually  
39 disruptive and subject to automatic expulsion on the occurrence of  
40 the third act of disruptive behavior during a school year. After  
41 the second act of disruptive behavior during a school year by a  
42 student who is younger than thirteen (13) years of age, a  
43 psychological evaluation shall be performed upon the child.

44 (3) This section shall be repealed on July 1, 2003.

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

