

By: Senator(s) Chaney, King

To: Education

SENATE BILL NO. 2316

1 AN ACT TO AMEND SECTION 37-11-55, MISSISSIPPI CODE OF 1972,
2 TO DELETE THE AUTOMATIC REPEALER ON THE STATUTE RELATING TO THE
3 TEACHER'S AUTHORITY IN THE CLASSROOM; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 37-11-55, Mississippi Code of 1972, is
6 amended as follows:

7 37-11-55. The local school board shall adopt and make
8 available to all teachers, school personnel, students and parents
9 or guardians, at the beginning of each school year, a code of
10 student conduct developed in consultation with teachers, school
11 personnel, students and parents or guardians. The code shall be
12 based on the rules governing student conduct and discipline
13 adopted by the school board and shall be made available at the
14 school level in the student handbook or similar publication. The
15 code shall include, but not be limited to:

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

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

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

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

28 any decision in compliance with the written discipline code of
29 conduct. Such recognition shall include the right of the teacher
30 to remove from the classroom any student who, in the professional
31 judgment of the teacher, is disrupting the learning environment,
32 to the office of the principal or assistant principal. The
33 principal or assistant principal shall determine the proper
34 placement for the student, who may not be returned to the
35 classroom until a conference of some kind has been held with the
36 parent, guardian or custodian during which the disrupting behavior
37 is discussed and agreements are reached that no further disruption
38 will be tolerated. If the principal does not approve of the
39 determination of the teacher to remove the student from the
40 classroom, the student may not be removed from the classroom, and
41 the principal, upon request from the teacher, must provide
42 justification for his disapproval. * * *

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

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

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

54 **SECTION 2.** This act shall take effect and be in force from
55 and after June 30, 2004.