

By: Representative Warren

To: Education

HOUSE BILL NO. 551

1 AN ACT TO AMEND SECTION 37-11-18.1, MISSISSIPPI CODE OF 1972,  
2 TO EXTEND THE REPEALER ON THE STATUTE AUTHORIZING THE AUTOMATIC  
3 EXPULSION OF HABITUALLY DISRUPTIVE STUDENTS TO JULY 1, 2009; AND  
4 FOR RELATED PURPOSES.

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

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

8 37-11-18.1. (1) For the purposes of this section:

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

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

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

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

43 (3) This section shall be repealed on July 1, 2009.

44 **SECTION 2.** This act shall take effect and be in force from  
45 and after July 1, 2007.