

By: Representatives Buck, Clark, Hines

To: Education

HOUSE BILL NO. 984
(As Passed the House)

1 AN ACT TO AMEND SECTION 37-11-18.1, MISSISSIPPI CODE OF 1972,
2 TO INCREASE THE NUMBER OF OCCASIONS DURING A SCHOOL YEAR WHICH A
3 STUDENT MUST PARTICIPATE IN DISRUPTIVE BEHAVIOR IN ORDER TO BE
4 DEEMED "HABITUALLY DISRUPTIVE," TO ESTABLISH CERTAIN REQUIREMENTS
5 FOR BEHAVIOR MODIFICATION PLANS DEVELOPED FOR DISRUPTIVE STUDENTS;
6 TO EXTEND THE REPEALER ON THE PROVISIONS RELATING TO THE EXPULSION
7 OF HABITUALLY DISRUPTIVE STUDENTS; AND FOR RELATED PURPOSES.

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

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

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

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

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

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

37 (2) Every behavior modification plan written pursuant to
38 this section must be developed by utilizing evidence-based
39 practices and positive behavioral intervention supports. The plan
40 must be implemented no later than two (2) weeks after the
41 occurrence of the disruptive behavior.

42 (3) Any student who is thirteen (13) years of age or older
43 for whom a behavior modification plan is developed by the school
44 principal, reporting teacher and student's parent and which
45 student does not comply with the plan shall be deemed habitually
46 disruptive and subject to * * * expulsion on the occurrence of the
47 *third* act of disruptive behavior during a school year. After the
48 second act of disruptive behavior during a school year by a
49 student * * *, a psychological evaluation shall be performed upon
50 the child.

51 (4) This section shall be repealed on July 1, 2010.

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