

By: Representative Crawford

To: Education

HOUSE BILL NO. 1182

1 AN ACT TO AMEND SECTION 37-11-57, MISSISSIPPI CODE OF 1972,  
2 TO PROHIBIT THE USE OF CORPORAL PUNISHMENT IN PUBLIC SCHOOLS TO  
3 DISCIPLINE A STUDENT WITH A DISABILITY WHO HAS AN IEP OR SECTION  
4 504 PLAN; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 37-11-57, Mississippi Code of 1972, is  
7 amended as follows:

8 37-11-57. (1) Except in the case of excessive force or  
9 cruel and unusual punishment, a public school teacher, assistant  
10 teacher, principal, or an assistant principal acting within the  
11 course and scope of his employment shall not be liable for any  
12 action carried out in conformity with state or federal law or  
13 rules or regulations of the State Board of Education or the local  
14 school board or governing board of a charter school regarding the  
15 control, discipline, suspension and expulsion of students. The  
16 local school board shall provide any necessary legal defense to a  
17 teacher, assistant teacher, principal, or assistant principal in  
18 the school district who was acting within the course and scope of  
19 his employment in any action which may be filed against such



20 school personnel. A school district or charter school, as the  
21 case may be, shall be entitled to reimbursement for legal fees and  
22 expenses from its employee if a court finds that the act of the  
23 employee was outside the course and scope of his employment, or  
24 that the employee was acting with criminal intent. Any action by  
25 a school district or charter school against its employee and any  
26 action by the employee against the school district or charter  
27 school for necessary legal fees and expenses shall be tried to the  
28 court in the same suit brought against the school employee.

29 (2) Corporal punishment administered in a reasonable manner,  
30 or any reasonable action to maintain control and discipline of  
31 students taken by a public school teacher, assistant teacher,  
32 principal or assistant principal acting within the scope of his  
33 employment or function and in accordance with any state or federal  
34 laws or rules or regulations of the State Board of Education or  
35 the local school board or governing board of a charter school does  
36 not constitute negligence or child abuse. No public school  
37 teacher, assistant teacher, principal or assistant principal so  
38 acting shall be held liable in a suit for civil damages alleged to  
39 have been suffered by a student as a result of the administration  
40 of corporal punishment, or the taking of action to maintain  
41 control and discipline of a student, unless the court determines  
42 that the teacher, assistant teacher, principal or assistant  
43 principal acted in bad faith or with malicious purpose or in a  
44 manner exhibiting a wanton and willful disregard of human rights



45 or safety. For the purposes of this subsection, "corporal  
46 punishment" means the reasonable use of physical force or physical  
47 contact by a teacher, assistant teacher, principal or assistant  
48 principal, as may be necessary to maintain discipline, to enforce  
49 a school rule, for self-protection or for the protection of other  
50 students from disruptive students.

51 (3) Notwithstanding subsection (2) of this section a public  
52 school teacher, assistant teacher, principal, assistant principal  
53 or other school personnel is prohibited from using corporal  
54 punishment, as defined in subsection (2) of this section, on any  
55 student with a disability. No school personnel shall be granted  
56 immunity from liability under subsection (2) of this section for  
57 the use of corporal punishment on a student with a disability.  
58 For purposes of this subsection, the term "student with a  
59 disability" means a student who has an individualized education  
60 plan (IEP) under the Individuals with Disabilities Education Act  
61 (IDEA) or a Section 504 plan under the Rehabilitation Act of 1973.  
62 The term "school personnel" includes all individuals employed on a  
63 full-time or part-time basis by a public school.

64 **SECTION 2.** This act shall take effect and be in force from  
65 and after July 1, 2019.

