

By: Representative Scott

To: Education

HOUSE BILL NO. 167

1 AN ACT TO REQUIRE LOCAL SCHOOL BOARDS TO DEVELOP AND PUBLIC
 2 SCHOOLS LOCATED WITHIN THE SCHOOL DISTRICT TO IMPLEMENT
 3 AGE-APPROPRIATE AND DEVELOPMENTALLY-APPROPRIATE POLICIES RELATING
 4 TO STUDENT CELL PHONE POSSESSION AND USE ON SCHOOL PROPERTY DURING
 5 THE ACADEMIC SCHOOL DAY FROM BELL-TO-BELL; TO SPECIFY THE MINIMUM
 6 PROVISIONS TO BE CONTAINED IN EACH SCHOOL CELL PHONE-FREE
 7 EDUCATION POLICY APPLICABLE TO ELEMENTARY, MIDDLE AND HIGH SCHOOL
 8 STUDENTS; TO PRESCRIBE EXCEPTIONS TO POSSESSION; TO PROHIBIT
 9 STUDENTS FROM BEING SUSPENDED OR EXPELLED AS A CONSEQUENCE OF ANY
 10 VIOLATION OF SUCH POLICIES; TO REQUIRE SCHOOL DISTRICTS TO
 11 ESTABLISH PROCEDURES FOR OFF-SITE EVENTS; TO REQUIRE SCHOOL BOARDS
 12 TO MAKE ITS POLICY PUBLICLY AVAILABLE AND POSTED PROMINENTLY ON
 13 THE SCHOOL DISTRICT'S WEBSITE; TO REQUIRE SCHOOL BOARDS, WHEN
 14 DESIGNING ITS CELL PHONE-FREE EDUCATION POLICY, TO INCORPORATE
 15 SCHOOL-BASED EMERGENCY BEST PRACTICES IN ITS COMPREHENSIVE SCHOOL
 16 SAFETY PLAN; TO PROVIDE FOR THE CONSTRUCTION OF THIS ACT; TO AMEND
 17 SECTIONS 37-11-55 AND 37-11-57, MISSISSIPPI CODE OF 1972, IN
 18 CONFORMITY TO THE PRECEDING PROVISIONS REGARDING THE PROHIBITION
 19 ON SUSPENDING OR EXPELLING STUDENTS FOR BEING IN VIOLATION OF THE
 20 CELL PHONE POSSESSION POLICY; AND FOR RELATED PURPOSES.

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

22 **SECTION 1.** As used in this act, the following terms shall
 23 have the meaning ascribed herein, unless context of use clearly
 24 indicates otherwise:

25 (a) "Bell-to-Bell" means from when the first bell rings
 26 at the start of the school day to begin instructional time until
 27 the dismissal bell rings at the end of the academic school day.



28 "Bell-to-bell" includes lunch and time in between class periods.

29 (b) "Cell phone-free education" means the
30 age-appropriate elimination or restriction of cell phones and
31 other personal electronic communication devices in public schools.

32 (c) "Cell phone" means a personal device capable of
33 making calls, transmitting pictures or video, or sending or
34 receiving messages through electronic means. The definition of
35 cell phone is inclusive of a nonsmart phone that is limited to
36 making phone calls or text messages, a smart phone that
37 encompasses the above features, and other future personal
38 electronic communication devices with the abovementioned
39 characteristics.

40 (d) "Instructional time" means any structured or
41 unstructured learning experiences that occur from when the first
42 bell rings at the start of the school day until the dismissal bell
43 rings at the end of the academic school day.

44 (e) "Personal Electronic Communication Device" means
45 any personal device capable of connecting to a smart phone, the
46 Internet, a cellular or Wi-Fi network, or directly connects to
47 another similar device. Personal electronic communication devices
48 may include some wearable devices such as smart watches, as well
49 as personal headphones, laptops, tablets and other future personal
50 electronic communication devices with the abovementioned
51 characteristics.



52 (f) "Stored" means a cell phone or personal electronic
53 communication device not being carried on the student's person,
54 including not in the student's pocket. Options school districts
55 could choose to define as storage options include, but are not
56 limited to, in the student's backpack, in the student's locker, in
57 a locked pouch or in a designated place within the classroom.

58 **SECTION 2.** (1) The local school board of each public school
59 district shall develop, and each public elementary and secondary
60 school shall implement age-appropriate and
61 developmentally-appropriate policies relating to student cell
62 phone possession and use on school property during the academic
63 school day from bell-to-bell. The policies shall:

64 (a) Except as provided in paragraph (d), restrict, to
65 the fullest extent possible, student cell phone possession and use
66 in the classroom during instructional hours of the academic school
67 day;

68 (b) To the extent that student cell phone possession
69 and use is otherwise permitted on school property outside of the
70 classroom during regular school hours, regulate such possession
71 and use with the objective of reducing any distractions in or
72 disruptions to the learning environment, including bullying and
73 harassment;

74 (c) Ensure that implementation and enforcement of such
75 policies:



76 (i) Is the responsibility of the school building
77 administration;

78 (ii) Minimizes, to the extent possible, any
79 conflict with the instructional responsibilities of teachers or
80 any disturbance to instructional time; and

81 (iii) Does not involve any school resource officer
82 who may be employed in any school in the school district;

83 (d) Permit any student, pursuant to an Individualized
84 Education Plan (IEP) under Chapter 23, Title 37, Mississippi Code
85 of 1972, or a plan developed under Section 504 of the
86 "Rehabilitation Act of 1973," 29 USCS Section 794, or if otherwise
87 determined appropriate by the school board, to possess and use a
88 cell phone on school property, including in the classroom, during
89 regular school hours to monitor or address a health concern or as
90 an accommodation or assistive technology support; and

91 (e) Expressly prohibit any student from being
92 suspended, expelled or removed from class as a consequence of any
93 violation of such policies.

94 (2) (a) In elementary schools for students in kindergarten
95 through Grade 5, cellphone-free education policies shall, at a
96 minimum, provide:

97 (i) Cell phones and personal electronic
98 communication devices will not be used by elementary students
99 within the school building or on school grounds;



100 (ii) If a parent decides that an elementary
101 student should bring a cell phone or personal electronic
102 communication device to school, the device must be turned off and
103 stored away from the student during the school day;

104 (iii) School districts must make policies that
105 determine cell phone and personal electronic communication device
106 use on school buses where elementary students are present;

107 (iv) Students must use school-based communication
108 tools and platforms, whether in the office, classroom or other
109 centralized location, to communicate nonemergency needs with
110 parents; and

111 (v) Parents and educators should use school-based
112 communication tools and channels to communicate emergencies and
113 nonemergencies during bell-to-bell instructional time. It is
114 encouraged to have a school official available to support the
115 student in the event of communication involving a family
116 emergency;

117 (b) In middle schools for students in Grades 6 through
118 8, cellphone-free education policies shall, at a minimum, provide:

119 (i) Students shall not have a cell phone or
120 personal electronic communication device during the bell-to-bell
121 school day;

122 (ii) If cell phones or personal electronic
123 communication devices are brought to school, they must be stored
124 and turned off during bell-to-bell school day;



125 (iii) Specifically for time periods outside of the
126 bell-to-bell school day, school districts must adopt policies that
127 determine appropriate cell phone and personal electronic
128 communication device use by students, including before and after
129 school, on school buses, within the school building and on school
130 grounds;

131 (iv) Students must use school-based communication
132 tools and platforms, whether in the office, classroom, or other
133 centralized location, to communicate nonemergency needs with
134 parents;

135 (v) Parents should use school-based communication
136 tools and channels to communicate emergencies and nonemergencies.
137 It is encouraged to have a school official available to support
138 the student in the event of communication involving a family
139 emergency;

140 (vi) Educators and all co-curricular and
141 extracurricular sponsors must use nonsocial media-based
142 applications for communications with students regarding activity
143 and athletic scheduling information during school hours; and

144 (vii) Schools should provide students with
145 developmentally appropriate guidance and support on the
146 appropriate use of school-issued technology devices, educational
147 applications, and educational tools for academic, both classroom
148 and homework assignments, and for educational research purposes;
149 and



150 (c) In high schools for students in Grades 9 through
151 12, cellphone-free education policies shall, at a minimum,
152 provide:

153 (i) Students shall not have a cell phone or
154 personal electronic communication device during the bell-to-bell
155 school day;

156 (ii) If cell phones or personal electronic
157 communication devices are brought to school, they must also be
158 stored and off during the bell-to-bell school day;

159 (iii) Outside of the bell-to-bell instructional
160 time, cell phones and personal electronic communication devices
161 may be used on a high school campus before or after school;

162 (iv) During bell-to-bell instructional time,
163 students must use school-based communication tools and platforms,
164 whether in the office, classroom or other centralized location, to
165 communicate nonemergency needs with parents;

166 (v) Parents should use school-based communication
167 tools and channels to communicate emergencies during bell-to-bell
168 instructional time;

169 (vi) Educators and all co-curricular and
170 extracurricular sponsors must use nonsocial media-based
171 applications to communicate activity and athletic scheduling
172 information with students during school hours; and

173 (vii) Schools should provide high school students
174 developmentally appropriate guidance and support on the



175 appropriate use of school-issued technology devices, educational
176 apps and educational tools for academic, both classroom and
177 homework assignments, and for educational research purposes.

178 (3) (a) If a school district has school facilities that
179 house students in multiple grades other than those specific to
180 elementary only, middle school only or high school only, the
181 appropriate definition of cell phone-free education shall be
182 applicable to the respective grades housed therein.

183 (b) If a school student travels to a different campus
184 or facility during the school day, they must adhere to that
185 building's policy and procedures for cell phones and personal
186 electronic communication devices.

187 (4) Each school district shall establish procedures for
188 off-site events, including:

- 189 (a) All school-sponsored events and field trips;
- 190 (b) Transportation, including daily bus transport;
- 191 (c) Athletic participants;
- 192 (d) Multiple instructional settings; and
- 193 (e) Other nonbuilding specific instructional
194 opportunities that do not occur on the school campus.

195 (5) Each school board shall make any policy it adopts under
196 this act publicly available and post it prominently on the school
197 district's website, if it has one.

198 **SECTION 3.** No violation of any student cell phone possession
199 and use policy developed or implemented in accordance with Section



200 2 of this act shall alone constitute sufficient cause for a
201 student's suspension or expulsion from school pursuant to Section
202 37-11-55 or disruptive behavior authorizing a teacher to remove a
203 student from class pursuant to Section 37-11-57. Any violation of
204 any cell phone possession and use policy that involves, coincides
205 with, or results in an instance of disruptive behavior shall be
206 addressed in accordance with the regulations on codes of student
207 conduct adopted by each school board pursuant to Section 37-11-55.

208 **SECTION 4.** (1) (a) When designing its cell phone-free
209 education policy, a school district shall incorporate school-based
210 emergency best practices in its comprehensive school safety plan,
211 required under Section 37-3-83, which includes staff training,
212 student drills and parent re-unification and communication plans,
213 as well as also ensuring that parents of students who are directly
214 impacted or critically injured are contacted directly versus
215 through a mass communication or recording. School districts must
216 publicly share:

217 (i) How school-based personnel are trained to
218 manage crisis and emergency situations;

219 (ii) Re-unification plans; and

220 (iii) Family notification processes during crisis
221 situations.

222 (b) Public schools should notify parents at the start
223 of the school year about any updates to the annual comprehensive
224 school safety plan and clearly outline the communications plan for



225 parent notification should a school-based emergency or crisis
226 occur, including any relevant or timely follow-up information
227 regarding a school-based emergency event. School districts must
228 be clear in protocols whether or not students can access their
229 stored cell phone or personal electronic communication device
230 during a school-based emergency, and clearly communicate this
231 policy to parents and students.

232 **SECTION 5.** The provisions of Section 2 of this act shall not
233 be construed to require the school board of a local school
234 district to adopt a policy that prohibits all cell phone use by
235 students. Nonetheless, any school board that adopts a policy
236 prohibiting all cellular telephone use by students shall be
237 considered to have met the requirements in Section 2 of this act.

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

240 37-11-55. (1) The local school board shall adopt and make
241 available to all teachers, school personnel, students and parents
242 or guardians, at the beginning of each school year, a code of
243 student conduct developed in consultation with teachers, school
244 personnel, students and parents or guardians. The code shall be
245 based on the rules governing student conduct and discipline
246 adopted by the school board and shall be made available at the
247 school level in the student handbook or similar publication. The
248 code shall include, but not be limited to:



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

251 (b) Procedures to be followed for acts requiring
252 discipline, including suspensions and expulsion, which comply with
253 due process requirements;

254 (c) An explanation of the responsibilities and rights
255 of students with regard to: attendance; respect for persons and
256 property; knowledge and observation of rules of conduct; free
257 speech and student publications; assembly; privacy; and
258 participation in school programs and activities;

259 (d) Policies and procedures recognizing the teacher as
260 the authority in classroom matters, and supporting that teacher in
261 any decision in compliance with the written discipline code of
262 conduct. Such recognition shall include the right of the teacher
263 to remove from the classroom any student who, in the professional
264 judgment of the teacher, is disrupting the learning environment,
265 to the office of the principal or assistant principal. The
266 principal or assistant principal shall determine the proper
267 placement for the student, who may not be returned to the
268 classroom until a conference of some kind has been held with the
269 parent, guardian or custodian during which the disrupting behavior
270 is discussed and agreements are reached that no further disruption
271 will be tolerated. If the principal does not approve of the
272 determination of the teacher to remove the student from the
273 classroom, the student may not be removed from the classroom, and



274 the principal, upon request from the teacher, must provide
275 justification for his disapproval;

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

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

284 (g) Policies and procedures specifically concerning
285 gang-related activities in the school, on school property or
286 vehicles, or at school-related activities.

287 (2) Students may be suspended or expelled from attendance at
288 school for sufficient cause. However, in no case may sufficient
289 cause for suspension or expulsion include only a violation by any
290 student of the cell phone possession and use policy developed and
291 implemented pursuant to Section 2 of this act.

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

294 37-11-57. (1) Except in the case of excessive force or
295 cruel and unusual punishment, a public school teacher, assistant
296 teacher, principal, or an assistant principal acting within the
297 course and scope of his employment shall not be liable for any
298 action carried out in conformity with state or federal law or



299 rules or regulations of the State Board of Education or the local
300 school board or governing board of a charter school regarding the
301 control, discipline, suspension and expulsion of students;
302 however, in no case may sufficient cause for suspension or
303 expulsion include only a violation by any student of the cell
304 phone possession and use policy developed and implemented pursuant
305 to Section 2 of this act. The local school board shall provide
306 any necessary legal defense to a teacher, assistant teacher,
307 principal, or assistant principal in the school district who was
308 acting within the course and scope of his employment in any action
309 which may be filed against such school personnel. A school
310 district or charter school, as the case may be, shall be entitled
311 to reimbursement for legal fees and expenses from its employee if
312 a court finds that the act of the employee was outside the course
313 and scope of his employment, or that the employee was acting with
314 criminal intent. Any action by a school district or charter
315 school against its employee and any action by the employee against
316 the school district or charter school for necessary legal fees and
317 expenses shall be tried to the court in the same suit brought
318 against the school employee.

319 (2) Corporal punishment administered in a reasonable manner,
320 or any reasonable action to maintain control and discipline of
321 students taken by a public school teacher, assistant teacher,
322 principal or assistant principal acting within the scope of his
323 employment or function and in accordance with any state or federal



324 laws or rules or regulations of the State Board of Education or
325 the local school board or governing board of a charter school does
326 not constitute negligence or child abuse. No public school
327 teacher, assistant teacher, principal or assistant principal so
328 acting shall be held liable in a suit for civil damages alleged to
329 have been suffered by a student as a result of the administration
330 of corporal punishment, or the taking of action to maintain
331 control and discipline of a student, unless the court determines
332 that the teacher, assistant teacher, principal or assistant
333 principal acted in bad faith or with malicious purpose or in a
334 manner exhibiting a wanton and willful disregard of human rights
335 or safety. For the purposes of this subsection, "corporal
336 punishment" means the reasonable use of physical force or physical
337 contact by a teacher, assistant teacher, principal or assistant
338 principal, as may be necessary to maintain discipline, to enforce
339 a school rule, for self-protection or for the protection of other
340 students from disruptive students.

341 (3) Notwithstanding subsection (2) of this section a public
342 school teacher, assistant teacher, principal, assistant principal
343 or other school personnel is prohibited from using corporal
344 punishment, as defined in subsection (2) of this section, on any
345 student with a disability. No school personnel shall be granted
346 immunity from liability under subsection (2) of this section for
347 the use of corporal punishment on a student with a disability.
348 For purposes of this subsection, the term "student with a



349 disability" means a student who has an individualized education
350 plan (IEP) under the Individuals with Disabilities Education Act
351 (IDEA) or a Section 504 plan under the Rehabilitation Act of 1973.
352 The term "school personnel" includes all individuals employed on a
353 full-time or part-time basis by a public school.

354 **SECTION 8.** This act shall take effect and be in force from
355 and after July 1, 2025.

