

By: Representative Faulkner

To: Education

HOUSE BILL NO. 684

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.