

By: Representative Remak

To: Education

HOUSE BILL NO. 818

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, as developed by
87 the district IEP Committee or certified statement from a licensed
88 physician, or if otherwise determined appropriate by the school
89 board, to possess and use a cell phone on school property,
90 including in the classroom, during regular school hours to monitor
91 or address a health concern or as an accommodation or assistive
92 technology support;

93 (e) Expressly prohibit any student from being
94 suspended, expelled or removed from class as a consequence of any
95 violation of such policies;

96 (f) Expressly prohibit access to websites, web
97 applications or software that allow students to access social
98 media platforms through the use of Internet provided by school
99 district, except when expressly directed by the teacher solely for
100 educational purposes; and

101 (g) Prohibit the removal of recess as a form of
102 punishment for students found to be in possession of a cell phone
103 in violation of this act.

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

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

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

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

117 (iv) Students must use school-based communication
118 tools and platforms, whether in the office, classroom or other
119 centralized location, to communicate nonemergency needs with
120 parents; and

121 (v) Parents and educators should use school-based
122 communication tools and channels to communicate emergencies and
123 nonemergencies during bell-to-bell instructional time. It is
124 encouraged to have a school official available to support the

125 student in the event of communication involving a family
126 emergency;

127 (b) In middle schools for students in Grades 6 through
128 8, cellphone-free education policies shall, at a minimum, provide:

129 (i) Students shall not have a cell phone or
130 personal electronic communication device during the bell-to-bell
131 school day;

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

135 (iii) Specifically for time periods outside of the
136 bell-to-bell school day, school districts must adopt policies that
137 determine appropriate cell phone and personal electronic
138 communication device use by students, including before and after
139 school, on school buses, within the school building and on school
140 grounds;

141 (iv) Students must use school-based communication
142 tools and platforms, whether in the office, classroom, or other
143 centralized location, to communicate nonemergency needs with
144 parents;

145 (v) Parents should use school-based communication
146 tools and channels to communicate emergencies and nonemergencies.
147 It is encouraged to have a school official available to support
148 the student in the event of communication involving a family
149 emergency;

150 (vi) Educators and all co-curricular and
151 extracurricular sponsors must use nonsocial media-based
152 applications for communications with students regarding activity
153 and athletic scheduling information during school hours; and

154 (vii) Schools should provide students with
155 developmentally appropriate guidance and support on the
156 appropriate use of school-issued technology devices, educational
157 applications, and educational tools for academic, both classroom
158 and homework assignments, and for educational research purposes;
159 and

160 (c) In high schools for students in Grades 9 through
161 12, cellphone-free education policies shall, at a minimum,
162 provide:

163 (i) Students shall not have a cell phone or
164 personal electronic communication device during the bell-to-bell
165 school day;

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

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

172 (iv) During bell-to-bell instructional time,
173 students must use school-based communication tools and platforms,

174 whether in the office, classroom or other centralized location, to
175 communicate nonemergency needs with parents;

176 (v) Parents should use school-based communication
177 tools and channels to communicate emergencies during bell-to-bell
178 instructional time;

179 (vi) Educators and all co-curricular and
180 extracurricular sponsors must use nonsocial media-based
181 applications to communicate activity and athletic scheduling
182 information with students during school hours; and

183 (vii) Schools should provide high school students
184 developmentally appropriate guidance and support on the
185 appropriate use of school-issued technology devices, educational
186 apps and educational tools for academic, both classroom and
187 homework assignments, and for educational research purposes.

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

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

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

199 (a) All school-sponsored events and field trips;
200 (b) Transportation, including daily bus transport;
201 (c) Athletic participants;
202 (d) Multiple instructional settings; and
203 (e) Other nonbuilding specific instructional
204 opportunities that do not occur on the school campus.

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

208 **SECTION 3.** No violation of any student cell phone possession
209 and use policy developed or implemented in accordance with Section
210 2 of this act shall alone constitute sufficient cause for a
211 student's suspension or expulsion from school pursuant to Section
212 37-11-55 or disruptive behavior authorizing a teacher to remove a
213 student from class pursuant to Section 37-11-57. Any violation of
214 any cell phone possession and use policy that involves, coincides
215 with, or results in an instance of disruptive behavior shall be
216 addressed in accordance with the regulations on codes of student
217 conduct adopted by each school board pursuant to Section 37-11-55.

218 **SECTION 4.** (1) (a) When designing its cell phone-free
219 education policy, a school district shall incorporate school-based
220 emergency best practices in its comprehensive school safety plan,
221 required under Section 37-3-83, which includes staff training,
222 student drills and parent re-unification and communication plans,
223 as well as also ensuring that parents of students who are directly

224 impacted or critically injured are contacted directly versus
225 through a mass communication or recording. School districts must
226 publicly share:

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

229 (ii) Re-unification plans; and

230 (iii) Family notification processes during crisis
231 situations.

232 (b) Public schools should notify parents at the start
233 of the school year about any updates to the annual comprehensive
234 school safety plan and clearly outline the communications plan for
235 parent notification should a school-based emergency or crisis
236 occur, including any relevant or timely follow-up information
237 regarding a school-based emergency event. School districts must
238 be clear in protocols whether or not students can access their
239 stored cell phone or personal electronic communication device
240 during a school-based emergency, and clearly communicate this
241 policy to parents and students.

242 **SECTION 5.** The provisions of Section 2 of this act shall not
243 be construed to require the school board of a local school
244 district to adopt a policy that prohibits all cell phone use by
245 students. Nonetheless, any school board that adopts a policy
246 prohibiting all cellular telephone use by students shall be
247 considered to have met the requirements in Section 2 of this act.

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

250 37-11-55. (1) The local school board shall adopt and make
251 available to all teachers, school personnel, students and parents
252 or guardians, at the beginning of each school year, a code of
253 student conduct developed in consultation with teachers, school
254 personnel, students and parents or guardians. The code shall be
255 based on the rules governing student conduct and discipline
256 adopted by the school board and shall be made available at the
257 school level in the student handbook or similar publication. The
258 code shall include, but not be limited to:

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

261 (b) Procedures to be followed for acts requiring
262 discipline, including suspensions and expulsion, which comply with
263 due process requirements;

264 (c) An explanation of the responsibilities and rights
265 of students with regard to: attendance; respect for persons and
266 property; knowledge and observation of rules of conduct; free
267 speech and student publications; assembly; privacy; and
268 participation in school programs and activities;

269 (d) Policies and procedures recognizing the teacher as
270 the authority in classroom matters, and supporting that teacher in
271 any decision in compliance with the written discipline code of
272 conduct. Such recognition shall include the right of the teacher

273 to remove from the classroom any student who, in the professional
274 judgment of the teacher, is disrupting the learning environment,
275 to the office of the principal or assistant principal. The
276 principal or assistant principal shall determine the proper
277 placement for the student, who may not be returned to the
278 classroom until a conference of some kind has been held with the
279 parent, guardian or custodian during which the disrupting behavior
280 is discussed and agreements are reached that no further disruption
281 will be tolerated. If the principal does not approve of the
282 determination of the teacher to remove the student from the
283 classroom, the student may not be removed from the classroom, and
284 the principal, upon request from the teacher, must provide
285 justification for his disapproval;

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

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

294 (g) Policies and procedures specifically concerning
295 gang-related activities in the school, on school property or
296 vehicles, or at school-related activities.

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

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

304 37-11-57. (1) Except in the case of excessive force or
305 cruel and unusual punishment, a public school teacher, assistant
306 teacher, principal, or an assistant principal acting within the
307 course and scope of his employment shall not be liable for any
308 action carried out in conformity with state or federal law or
309 rules or regulations of the State Board of Education or the local
310 school board or governing board of a charter school regarding the
311 control, discipline, suspension and expulsion of students;
312 however, in no case may sufficient cause for suspension or
313 expulsion only include a violation by any student of the cell
314 phone possession and use policy developed and implemented pursuant
315 to Section 2 of this act. The local school board shall provide
316 any necessary legal defense to a teacher, assistant teacher,
317 principal, or assistant principal in the school district who was
318 acting within the course and scope of his employment in any action
319 which may be filed against such school personnel. A school
320 district or charter school, as the case may be, shall be entitled
321 to reimbursement for legal fees and expenses from its employee if

322 a court finds that the act of the employee was outside the course
323 and scope of his employment, or that the employee was acting with
324 criminal intent. Any action by a school district or charter
325 school against its employee and any action by the employee against
326 the school district or charter school for necessary legal fees and
327 expenses shall be tried to the court in the same suit brought
328 against the school employee.

329 (2) Corporal punishment administered in a reasonable manner,
330 or any reasonable action to maintain control and discipline of
331 students taken by a public school teacher, assistant teacher,
332 principal or assistant principal acting within the scope of his
333 employment or function and in accordance with any state or federal
334 laws or rules or regulations of the State Board of Education or
335 the local school board or governing board of a charter school does
336 not constitute negligence or child abuse. No public school
337 teacher, assistant teacher, principal or assistant principal so
338 acting shall be held liable in a suit for civil damages alleged to
339 have been suffered by a student as a result of the administration
340 of corporal punishment, or the taking of action to maintain
341 control and discipline of a student, unless the court determines
342 that the teacher, assistant teacher, principal or assistant
343 principal acted in bad faith or with malicious purpose or in a
344 manner exhibiting a wanton and willful disregard of human rights
345 or safety. For the purposes of this subsection, "corporal
346 punishment" means the reasonable use of physical force or physical

347 contact by a teacher, assistant teacher, principal or assistant
348 principal, as may be necessary to maintain discipline, to enforce
349 a school rule, for self-protection or for the protection of other
350 students from disruptive students.

351 (3) Notwithstanding subsection (2) of this section a public
352 school teacher, assistant teacher, principal, assistant principal
353 or other school personnel is prohibited from using corporal
354 punishment, as defined in subsection (2) of this section, on any
355 student with a disability. No school personnel shall be granted
356 immunity from liability under subsection (2) of this section for
357 the use of corporal punishment on a student with a disability.
358 For purposes of this subsection, the term "student with a
359 disability" means a student who has an individualized education
360 plan (IEP) under the Individuals with Disabilities Education Act
361 (IDEA) or a Section 504 plan under the Rehabilitation Act of 1973.
362 The term "school personnel" includes all individuals employed on a
363 full-time or part-time basis by a public school.

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