MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Banks

To: Education

HOUSE BILL NO. 392

AN ACT TO REQUIRE LOCAL SCHOOL DISTRICTS TO DEVELOP A POLICY TO ADDRESS THE PROPER PROCEDURE FOR THE ADMINISTRATION OF DISCIPLINARY ACTION TO STUDENTS WHO MEET THE DEFINITION OF AN EXCEPTIONAL CHILD; TO PROVIDE THAT SUCH POLICY SHALL NOT CONFLICT WITH THE PROVISION ESTABLISHED UNDER THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA); TO PRESCRIBE THE MINIMUM REQUIREMENTS FOR THE DISCIPLINE POLICY ADOPTED BY SCHOOL DISTRICTS; AND FOR RELATED PURPOSES.

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

SECTION 1. (1) Each local school district shall develop a policy to address the proper procedure for the administration of disciplinary action to students who meet the definition of an exceptional child, as defined under Section 37-23-3, provided that the policy conforms with the normal standards for the discipline of traditional learners. However, the school district in adopting its discipline policy for exceptional children shall not implement any provision that conflicts with any rule or regulation established under the Individuals with Disabilities Education Act (IDEA).

(2) The policy, at a minimum, shall address:

(a) Student removal from customary educational placement, and minimum time for placement;

(b) Any situation which requires the emergency removal of a student from customary educational placement in excess of the minimum time prescribed by board policy, for such flagrant conduct as:

(i) Possessing a weapon at school, on school property or at a school-related event;

(ii) Possessing illegal drugs at school, on school property or at a school-related event;

(iii) Inflicting serious bodily injury upon another at school, on school property or at a school-related event;

(c) Discipline other than a change in placement;

(d) Disciplinary actions included in the student's IEP; and

(e) Availability for administrative due process.

SECTION 2. Section 1 of this act shall be codified in Chapter 23, Title 37, Mississippi Code of 1972.

SECTION 3. This act shall take effect and be in force from and after July 1, 2021.