MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Mickens To: Education

# HOUSE BILL NO. 422

AN ACT TO AMEND SECTION 37-11-57, MISSISSIPPI CODE OF 1972, TO PROHIBIT THE USE OF CORPORAL PUNISHMENT IN PUBLIC AND CHARTER SCHOOLS TO DISCIPLINE A STUDENT; TO PROVIDE THAT ANY EMPLOYEE WHO VIOLATES THE CORPORAL PUNISHMENT PROHIBITION SHALL BE HELD LIABLE FOR CIVIL DAMAGES SUFFERED BY A STUDENT AS A RESULT OF THE ADMINISTRATION OF CORPORAL PUNISHMENT; AND FOR RELATED PURPOSES.

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

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

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

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

(2) Corporal punishment is prohibited from being administered in * * * any * * * public or charter school as an action to maintain control and discipline of students taken by a public school teacher, assistant teacher, principal or assistant principal employed by the local public school district or charter school acting within the scope of his or her employment * * *.

* * * Any public school or charter school teacher, assistant teacher, principal or assistant principal so acting, who violates this subsection, shall be held liable in a suit for civil damages alleged to have been suffered by a student as a result of the administration of corporal punishment * * * if the court determines that the teacher, assistant teacher, principal or assistant principal acted in bad faith or with malicious purpose or in a manner exhibiting a wanton and willful disregard of human rights or safety. For the purposes of this subsection, "corporal

punishment" means the reasonable use of physical force or physical contact by a teacher, assistant teacher, principal or assistant principal *** * *** to maintain discipline, to enforce a school rule, for self-protection or for the protection of other students from disruptive students.

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**SECTION 2.** This act shall take effect and be in force from and after July 1, 2021.