HOUSE BILL NO. 263
(As Sent to Governor)

AN ACT TO AMEND SECTION 37-11-67, MISSISSIPPI CODE OF 1972, TO CLARIFY CONDUCT THAT IS CONSIDERED BEING BULLYING BEHAVIOR; TO AMEND SECTION 37-11-69, MISSISSIPPI CODE OF 1972, TO REVISE THE PROVISIONS TO BE INCLUDED IN A SCHOOL DISTRICTS' ANTI-BULLYING POLICIES; TO REQUIRE SCHOOL DISTRICTS TO POST THE PROPER PROCEDURE FOR REPORTING BULLYING ON THEIR INTERNET WEBSITE; TO AMEND SECTIONS 37-3-101 AND 37-3-103, MISSISSIPPI CODE OF 1972, TO REQUIRE LOCAL SCHOOL DISTRICTS TO ADOPT A POLICY ON STUDENT SUICIDE PREVENTION, TO PRESCRIBE STANDARDS FOR THE REQUIRED POLICY AND TO AUTHORIZE THE STATE DEPARTMENT OF EDUCATION AND THE STATE DEPARTMENT OF MENTAL HEALTH TO DEVELOP IN-SERVICE TRAINING STANDARDS FOR SUICIDE PREVENTION EDUCATION; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 37-11-67, Mississippi Code of 1972, is amended as follows:

37-11-67. (1) As used in this section, "bullying or harassing behavior" is any pattern of gestures or written, electronic or verbal communications, or any physical act or any threatening communication, or any act reasonably perceived as being motivated by any actual or perceived differentiating characteristic, that takes place on school property, at any school-sponsored function, or on a school bus, and that:
(a) Places a student or school employee in actual and reasonable fear of harm to his or her person or damage to his or her property; or

(b) Creates or is certain to create a hostile environment by substantially interfering with or impairing a student's educational performance, opportunities or benefits. For purposes of this section, "hostile environment" means that the victim subjectively views the conduct as bullying or harassing behavior and the conduct is objectively severe or pervasive enough that a reasonable person would agree that it is bullying or harassing behavior.

(2) No student or school employee shall be subjected to bullying or harassing behavior by school employees or students.

(3) No person shall engage in any act of reprisal or retaliation against a victim, witness or a person with reliable information about an act of bullying or harassing behavior.

(4) A school employee who has witnessed or has reliable information that a student or school employee has been subject to any act of bullying or harassing behavior shall report the incident to the appropriate school official.

(5) A student or volunteer who has witnessed or has reliable information that a student or school employee has been subject to any act of bullying or harassing behavior should report the incident to the appropriate school official.
(6) Conduct described in subsection (1) of this section is considered bullying if that conduct interferes with a student's education or substantially disrupts the operation of a school.

SECTION 2. Section 37-11-69, Mississippi Code of 1972, is amended as follows:

37-11-69. (1) *** Each local school district shall include in its personnel policies, discipline policies and code of student conduct a prohibition against bullying or harassing behavior and adopt procedures for reporting, investigating and addressing such behavior, that:

(a) Prohibit the bullying of a student;

(b) Prohibit retaliation against any person, including a victim, a witness, or another person, who in good faith provides information concerning an incident of bullying;

(c) Establish a procedure for providing notice of an incident of bullying to a parent or guardian of the victim and a parent or guardian of the bully within a reasonable amount of time after the incident;

(d) Establish the actions a student should take to obtain assistance and intervention in response to bullying;

(e) Set out the available counseling options for a student who is a victim of or a witness to bullying or who engages in bullying;
(f) Establish procedures for reporting an incident of bullying, investigating a reported incident of bullying and determining whether the reported incident of bullying occurred;

(g) Prohibit the imposition of a disciplinary measure on a student who, after an investigation, is found to be a victim of bullying, on the basis of that student's use of reasonable self-defense in response to the bullying; and

(h) Require that discipline for bullying of a student with disabilities comply with applicable requirements under federal law, including the Individuals with Disabilities Education Act (20 USCS Section 1400 et seq.).

(2) The policies must recognize the fundamental right of every student to take reasonable actions as may be necessary to defend himself or herself from an attack by another student who has evidenced menacing or threatening behavior through bullying or harassing.

(3) The procedure for reporting bullying established under subsection (1) of this section must be posted on the district's Internet website.

SECTION 3. Section 37-3-101, Mississippi Code of 1972, is amended as follows:

37-3-101. (1) Each local school district shall adopt a policy on student suicide prevention. The policies shall be developed in consultation with school and community stakeholders, school-employed mental health professions, and suicide prevention
experts, and shall, at a minimum, address procedures relating to suicide prevention, intervention and postvention. To assist districts in developing policies for student suicide prevention, the State Department of Education shall establish a model policy in consultation with the Mississippi Department of Mental Health for use by local school districts in accordance with this section.

(2) In the 2017-2018 school year, the State Department of Education shall require that local school districts conduct in-service training on suicide prevention education for all school district employees. The Mississippi Department of Mental Health will be responsible for development of the content of the training. This education may be accomplished through self-review of suitable suicide prevention materials.

SECTION 4. Section 37-3-103, Mississippi Code of 1972, is amended as follows:

37-3-103. Beginning with the 2017-2018 school year and annually thereafter, the State Department of Education shall require that local school districts conduct in-service training on suicide prevention education for all newly employed school district employees. The Mississippi Department of Mental Health will be responsible for development of the content of the training. This education may be accomplished through self-review of suitable suicide prevention materials.

SECTION 5. This act shall take effect and be in force from and after July 1, 2017.