

By: Representatives Boyd, Karriem, Sykes

To: Education

HOUSE BILL NO. 263
(As Sent to Governor)

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

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

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

17 37-11-67. (1) As used in this section, "bullying or
18 harassing behavior" is any pattern of gestures or written,
19 electronic or verbal communications, or any physical act or any
20 threatening communication, or any act reasonably perceived as
21 being motivated by any actual or perceived differentiating
22 characteristic, that takes place on school property, at any
23 school-sponsored function, or on a school bus, and that:



24 (a) Places a student or school employee in actual and
25 reasonable fear of harm to his or her person or damage to his or
26 her property; or

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

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

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

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

44 (5) A student or volunteer who has witnessed or has reliable
45 information that a student or school employee has been subject to
46 any act of bullying or harassing behavior should report the
47 incident to the appropriate school official.



48 (6) Conduct described in subsection (1) of this section is
49 considered bullying if that conduct interferes with a student's
50 education or substantially disrupts the operation of a school.

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

53 37-11-69. (1) * * * Each local school district shall
54 include in its personnel policies, discipline policies and code of
55 student conduct a prohibition against bullying or harassing
56 behavior and adopt procedures for reporting, investigating and
57 addressing such behavior, that:

58 (a) Prohibit the bullying of a student;

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

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

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

68 (e) Set out the available counseling options for a
69 student who is a victim of or a witness to bullying or who engages
70 in bullying;



71 (f) Establish procedures for reporting an incident of
72 bullying, investigating a reported incident of bullying and
73 determining whether the reported incident of bullying occurred;

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

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

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

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

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

92 37-3-101. (1) Each local school district shall adopt a
93 policy on student suicide prevention. The policies shall be
94 developed in consultation with school and community stakeholders,
95 school-employed mental health professions, and suicide prevention



96 experts, and shall, at a minimum, address procedures relating to
97 suicide prevention, intervention and postvention. To assist
98 districts in developing policies for student suicide prevention,
99 the State Department of Education shall establish a model policy
100 in consultation with the Mississippi Department of Mental Health
101 for use by local school districts in accordance with this section.

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

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

111 37-3-103. Beginning with the * * * 2017-2018 school year and
112 annually thereafter, the State Department of Education shall
113 require that local school districts conduct in-service training on
114 suicide prevention education for all newly employed * * * school
115 district employees. The Mississippi Department of Mental Health
116 will be responsible for development of the content of the
117 training * * *. This education may be accomplished through
118 self-review of suitable suicide prevention materials.

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

