MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Hines

To: Education

HOUSE BILL NO. 33

AN ACT TO REQUIRE SCHOOL DISTRICTS TO ADOPT A DATING VIOLENCE POLICY AND TO INCORPORATE INSTRUCTION ON THE POLICY AND ON HEALTHY RELATIONSHIPS IN MANDATORY COURSES; TO REQUIRE THE STATE BOARD OF EDUCATION TO ADOPT A MODEL DATING VIOLENCE POLICY THAT MAY BE USED BY THE VARIOUS SCHOOL BOARDS IN DEVELOPING THEIR POLICIES; TO REQUIRE EACH SCHOOL DISTRICT TO INCLUDE THE DATING VIOLENCE POLICY IN THE DISTRICT'S CODE OF STUDENT CONDUCT; TO AMEND SECTION 37-11-55, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

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

SECTION 1. (1) The Legislature finds and declares that all students have a right to work and study in a safe, supportive environment that is free from harassment, intimidation and violence. The Legislature further finds that when a student is a victim of dating violence, his or her performance in school and individual safety suffer. Therefore, in an effort to reduce the occurrence of dating violence among students in our state, the Legislature declares that the school board of each school district must adopt a policy to create a better understanding and awareness of dating violence.

(2) For purposes of this section, the following words and phrases have the meanings ascribed in this subsection unless the context clearly indicates otherwise:

(a) "Dating relationship" means a social relationship of a romantic or intimate nature between two (2) individuals, regardless of gender.

(b) "Dating violence" means a pattern of behavior where one (1) person intentionally threatens or actually uses physical, sexual, verbal or emotional abuse to harm, intimidate or control another person with whom that person has a dating relationship.

(3) Before July 1, 2021, the State Board of Education shall develop and adopt a model dating violence policy to assist school districts in developing policies on dating violence. The model policy must include, at a minimum, provisions addressing the following:

(a) A definition of dating violence;

(b) A statement that dating violence will not be tolerated;

(c) Safety planning for victims of dating violence, protection orders and alternatives;

(d) Procedures for reporting, investigating and addressing dating violence, including procedures for making referrals to local or community resources for appropriate counseling for affected students;

(e) Required training for teachers, administrators and other appropriate staff on the policy and on healthy relationships; and

(f) Outreach education for students and parents on the dating violence policy.

(4) Before October 1, 2021, the school board of each school district shall develop and adopt a specific dating violence policy that comports with the model policy adopted by the State Board of Education. Within thirty (30) days of the adoption of a policy, the school board shall provide a copy of the dating violence policy adopted in that district to the State Department of Education, Division of Safe and Healthy Schools.

(5) In order to ensure that proper notice of the school district's dating violence policy is provided to students and their parents, the school district must distribute and publish a copy of the policy in the school district's personnel policies, discipline policies and code of student conduct.

(6) In addition to education on the dating violence policy, each school district shall incorporate teaching on healthy relationships, which is age-appropriate, into curriculum instruction for kindergarten through Grade 12, using resources approved and provided by the State Department of Education. The topic of violence prevention must be taught in either the comprehensive health course or family and individual health course or in any successor course that is required for graduation from

high school. Healthy relationship education must include, but need not be limited to, identifying characteristics of healthy dating relationships, defining dating violence and recognizing dating violence warning signs.

SECTION 2. Section 37-11-55, Mississippi Code of 1972, is amended as follows:

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

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

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

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

(d) Policies and procedures recognizing the teacher as the authority in classroom matters, and supporting that teacher in any decision in compliance with the written discipline code of conduct. Such recognition shall include the right of the teacher to remove from the classroom any student who, in the professional judgment of the teacher, is disrupting the learning environment, to the office of the principal or assistant principal. The principal or assistant principal shall determine the proper placement for the student, who may not be returned to the classroom until a conference of some kind has been held with the parent, guardian or custodian during which the disrupting behavior is discussed and agreements are reached that no further disruption will be tolerated. If the principal does not approve of the determination of the teacher to remove the student from the classroom, the student may not be removed from the classroom, and the principal, upon request from the teacher, must provide justification for his disapproval;

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

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

(g) Policies and procedures specifically concerning gang-related activities in the school, on school property or vehicles, or at school-related activities *** * ***; and

(h) The school district's policy on dating violence, as required under Section 1 of House Bill No. 33, 2021 Regular Session.

SECTION 3. This act shall take effect and be in force from and after its passage.