

By: Representatives Boyd, Karriem, Sykes

To: Education

HOUSE BILL NO. 263  
(As Passed the House)

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; AND FOR RELATED  
7 PURPOSES.

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

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

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

18 (a) Places a student or school employee in actual and  
19 reasonable fear of harm to his or her person or damage to his or  
20 her property; or



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

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

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

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

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

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



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

47           37-11-69. (1) \* \* \* Each local school district shall  
48 include in its personnel policies, discipline policies and code of  
49 student conduct a prohibition against bullying or harassing  
50 behavior and adopt procedures for reporting, investigating and  
51 addressing such behavior, that:

52                   (a) Prohibit the bullying of a student;

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

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

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

62                   (e) Set out the available counseling options for a  
63 student who is a victim of or a witness to bullying or who engages  
64 in bullying;

65                   (f) Establish procedures for reporting an incident of  
66 bullying, investigating a reported incident of bullying and  
67 determining whether the reported incident of bullying occurred;

68                   (g) Prohibit the imposition of a disciplinary measure  
69 on a student who, after an investigation, is found to be a victim



70 of bullying, on the basis of that student's use of reasonable  
71 self-defense in response to the bullying; and

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

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

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

84 **SECTION 3.** This act shall take effect and be in force from  
85 and after July 1, 2017.

