

By: Representative Scott

To: Education

HOUSE BILL NO. 454

1 AN ACT TO AMEND SECTION 37-11-54, MISSISSIPPI CODE OF 1972,
 2 TO REQUIRE THE STATE BOARD OF EDUCATION TO DEVELOP THE CURRICULUM
 3 AND IMPLEMENT A PROGRAM OF CONFLICT RESOLUTION AND PEER MEDIATION
 4 TO BE USED BY LOCAL SCHOOL DISTRICTS; TO PROVIDE THAT THE
 5 CURRICULUM DEVELOPED FOR USE SHALL BE AGE AND GRADE APPROPRIATE;
 6 TO REQUIRE PROGRAMS OF CONFLICT RESOLUTION AND PEER MEDIATION IN
 7 FAILING DISTRICTS TO BE SUPERVISED BY THE SCHOOL RESOURCE OFFICES
 8 WITH THE ASSISTANCE OF OTHER DISTRICT PERSONNEL TO COMBAT VIOLENCE
 9 AND BULLYING; TO PROVIDE THAT THE PROGRAM OF CONFLICT RESOLUTION
 10 SHALL PROVIDE SCHOOL ADMINISTRATORS WITH ALTERNATIVES TO HANDLING
 11 STUDENT DISCIPLINARY MATTERS; TO AMEND SECTION 37-11-53,
 12 MISSISSIPPI CODE OF 1972, TO REQUIRE SCHOOL DISTRICTS TO ALLOW ANY
 13 PUBLIC SCHOOL STUDENT WHO HAS NEVER BEEN SUBJECT TO DISCIPLINARY
 14 ACTION WHO COMMITS AN ACT OR ENGAGES IN CONDUCT FOR WHICH THE
 15 STUDENT OTHERWISE WOULD BE SUSPENDED OR EXPELLED UNDER THE SCHOOL
 16 DISTRICT'S DISCIPLINE PLAN, AT THE ELECTION OF THE STUDENT, TO
 17 PARTICIPATE IN A COMMUNITY SERVICE PROGRAM AS AN ALTERNATIVE TO
 18 SUSPENSION OR EXPULSION; TO PROVIDE THAT WHILE PARTICIPATING IN
 19 THE PROGRAM, THE STUDENT SHALL RECEIVE YOUTH PEER COUNSELING
 20 DEEMED APPROPRIATE BY THE SCHOOL DISTRICT; TO AMEND SECTIONS
 21 37-3-82 AND 37-3-83, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO
 22 THE PRECEDING PROVISIONS; TO BRING FORWARD SECTION 37-7-321,
 23 MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENTS;
 24 AND FOR RELATED PURPOSES.

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

26 **SECTION 1.** Section 37-11-54, Mississippi Code of 1972, is
 27 amended as follows:

28 37-11-54. (1) The State Board of Education shall develop
 29 a * * * conflict resolution and mediation * * * program and * * *



30 curriculum that are developed from evidence-based practices and
31 positive behavioral intervention supports to address responsible
32 decision making, the causes and effects of school violence and
33 harassment, cultural diversity, and nonviolent methods for
34 resolving conflict, including peer mediation, * * * which m
35 shall * * * be age- and grade-appropriate and incorporated into
36 the * * * instructional curriculum of each school district before
37 the beginning of the * * * 2018-2019 school year. In addition,
38 local school boards shall incorporate evidence-based practices and
39 positive behavioral intervention supports into individual school
40 district policies and Codes of Conduct. In developing this * * *
41 program and curriculum, the * * * State Board of Education shall
42 emphasize materials, models and curricula that currently are being
43 used in Mississippi public schools * * * that * * * it determines
44 to be effective. In developing the curriculum to be used by
45 school districts the * * * State Board of Education shall include
46 at least one (1) model that includes instruction and guidance
47 for * * * peer mediation programs and one (1) model that provides
48 instruction and guidance for teachers concerning the integration
49 of conflict resolution and mediation lessons into the existing
50 classroom curriculum.

51 (2) (a) In each school district designated as failing as
52 determined by an accountability rating of "D" or "F", the program
53 of conflict resolution shall be under the direct supervision of
54 the school resource officer, who shall be assisted by a licensed



55 teacher and professional school counselor in implementing conflict
56 resolution and peer mediation practices which are aligned to the
57 adopted curriculum and the district's Code of Conduct to combat
58 violence and bullying.

59 (3) The processes of conflict resolution and peer mediation
60 required to be incorporated into the curriculum of each school
61 district shall also provide school administrative personnel with
62 alternative methods for disciplinary actions taken against
63 students who are disruptive to the educational environment,
64 including in-school suspension, temporary alternative school
65 placement and community services as an alternative to suspension.

66 **SECTION 2.** Section 37-11-53, Mississippi Code of 1972, is
67 amended as follows:

68 37-11-53. (1) A copy of the school district's discipline
69 plan shall be distributed to each student enrolled in the
70 district, and the parents, guardian or custodian of * * * each
71 student shall sign a statement verifying that they have been given
72 notice of the discipline policies of their respective school
73 district. The school board shall have its official discipline
74 plan and code of student conduct legally audited on an annual
75 basis to insure that its policies and procedures are currently in
76 compliance with applicable statutes, case law and state and
77 federal constitutional provisions. * * * The provisions of this
78 section, Section 37-11-55 and Section 37-11-18.1 shall be fully



79 incorporated into the school district's discipline plan and code
80 of student conduct.

81 (2) All discipline plans of school districts shall include,
82 but not be limited to, the following:

83 (a) A parent, guardian or custodian of a
84 compulsory-school-age child enrolled in a public school district
85 shall be responsible financially for his or her minor child's
86 destructive acts against school property or persons;

87 (b) A parent, guardian or custodian of a
88 compulsory-school-age child enrolled in a public school district
89 may be requested to appear at school by the school attendance
90 officer or an appropriate school official for a conference
91 regarding acts of the child specified in paragraph (a) of this
92 subsection, or for any other discipline conference regarding the
93 acts of the child;

94 (c) Any parent, guardian or custodian of a
95 compulsory-school-age child enrolled in a school district who
96 refuses or willfully fails to attend * * * the discipline
97 conference specified in paragraph (b) of this * * * subsection may
98 be summoned by proper notification by the local superintendent of
99 schools or the school attendance officer and be required to
100 attend * * * the discipline conference; and

101 (d) A parent, guardian or custodian of a
102 compulsory-school-age child enrolled in a public school district
103 shall be responsible for any criminal fines brought against * * *



104 the student for unlawful activity occurring on school grounds or
105 buses.

106 (3) Any parent, guardian or custodian of a
107 compulsory-school-age child who (a) fails to attend a discipline
108 conference to which * * * the parent, guardian or custodian has
109 been summoned under * * * this section, or (b) refuses or
110 willfully fails to perform any other duties imposed upon him or
111 her under * * * this section, shall be guilty of a misdemeanor
112 and, upon conviction, shall be fined an amount not to exceed Two
113 Hundred Fifty Dollars (\$250.00).

114 (4) Any public school district shall be entitled to recover
115 damages in an amount not to exceed Twenty Thousand Dollars
116 (\$20,000.00), plus necessary court costs, from the parents of any
117 minor under the age of eighteen (18) years and over the age of six
118 (6) years, who maliciously and willfully damages or destroys
119 property belonging to * * * that school district. However, this
120 section shall not apply to parents whose parental control of * * *
121 their child has been removed by court order or decree. The action
122 authorized in this * * * subsection shall be in addition to all
123 other actions * * * that the school district is entitled to
124 maintain and nothing in this section shall preclude recovery in a
125 greater amount from the minor or from a person, including the
126 parents, for damages * * * for which * * * the minor or other
127 person would otherwise be liable.



128 (5) A school district's discipline plan may provide that as
129 an alternative to suspension, a student may remain in school by
130 having the parent, guardian or custodian, with the consent of the
131 student's teacher or teachers, attend class with the student for a
132 period of time specifically agreed upon by the reporting teacher
133 and school principal. If the parent, guardian or custodian does
134 not agree to attend class with the student or fails to attend
135 class with the student, the student shall be suspended in
136 accordance with the code of student conduct and discipline
137 policies of the school district.

138 (6) If a student who has never been subject to disciplinary
139 action commits an act or engages in conduct for which the student
140 otherwise would be suspended or expelled under the school
141 district's discipline plan, as an alternative to suspension or
142 expulsion, the student may be permitted, at the election of the
143 student, to participate in a community service program of at least
144 forty (40) hours in duration supervised by the school district or
145 a nonprofit organization that has a collaborative relationship
146 with the school district. While participating in the program, the
147 student may receive youth peer counseling deemed appropriate by
148 the school district.

149 **SECTION 3.** Section 37-3-82, Mississippi Code of 1972, is
150 amended as follows:

151 37-3-82. (1) There is hereby established the Mississippi
152 Community Oriented Policing Services in Schools (MCOPS) grant



153 program in the State Department of Education to provide funding,
154 pursuant to specific appropriation by the Legislature therefor, to
155 assist law enforcement agencies in providing additional School
156 Resource Officers to engage in community policing in and around
157 primary and secondary schools. The MCOPS program shall authorize
158 the State Department of Education to make grants to increase
159 deployment of law enforcement officers in order (a) to increase or
160 enhance community policing in this state, (b) that trained, sworn
161 enforcement officers assigned to schools play an integral part in
162 the development and/or enhancement of a comprehensive school
163 safety plan, and (c) that the presence of these officers shall
164 provide schools with a direct link to local law enforcement
165 agencies.

166 (2) The MCOPS program shall meet the following requirements
167 and standards:

168 (a) This program shall provide an incentive for law
169 enforcement agencies to build collaborative partnerships with the
170 school community and to use community policing efforts to combat
171 school violence and implement educational programs to improve
172 student and school safety.

173 (b) The additional School Resource Officers must devote
174 at least seventy-five percent (75%) of their time to work in and
175 around primary and secondary schools, in addition to the time that
176 School Resource Officers are devoting in the absence of the MCOPS
177 in Schools grant.



178 (c) The MCOPS in Schools program shall provide a
179 maximum state contribution of up to Ten Thousand Dollars
180 (\$10,000.00) per officer position over the one-year grant period,
181 to be matched from local funds on a 50/50 matching basis.
182 Officers paid with MCOPS funds may be employed by the local law
183 enforcement agency or by the local school district. MCOPS funds
184 may be used to pay for entry-level salaries and benefits of newly
185 trained additional School Resource Officers and may be used to pay
186 the salaries and benefits of School Resource Officers employed
187 prior to July 1, 2013. All jurisdictions that apply must
188 demonstrate that they have primary law enforcement authority over
189 the school(s) identified in their application and demonstrate
190 their inability to implement this project without state
191 assistance. Schools or law enforcement agencies may not reduce
192 its overall federal, state, locally funded level of sworn officers
193 (including other School Resource Officers or other sworn officers
194 assigned to the schools) as a result of applying for or receiving
195 MCOPS in Schools grant funding. MCOPS in Schools funding may be
196 used to rehire sworn officers previously employed who have been
197 laid off for financial reasons unrelated to the availability of
198 the MCOPS in Schools grant, but must obtain prior written approval
199 from the State Department of Education.

200 (* * *d) School Resource Officers (SROs) may serve in
201 a variety of roles, including, but not limited to, that of a law
202 enforcement officer/safety specialist, law-related educator,



203 conflict resolution/peer mediation supervisor and
204 problem-solver/community liaison. These officers may teach
205 programs such as crime prevention, substance abuse prevention, and
206 gang resistance as well as monitor and assist troubled students
207 through mentoring programs. The School Resource Officer(s) may
208 also identify physical changes in the environment that may reduce
209 crime in and around the schools, as well as assist in developing
210 school policies which address criminal activity and school safety.
211 The application must also include a Memorandum of Understanding
212 (MOU), signed by the law enforcement executive and the appropriate
213 school official(s), to document the roles and responsibilities to
214 be undertaken by the law enforcement agency and the educational
215 school partner(s) through this collaborative effort. The
216 application must also include a Narrative Addendum to document
217 that the School Resource Officer(s) will be assigned to work in
218 and around primary or secondary schools and provide supporting
219 documentation in the following areas: problem identification and
220 justification, community policing strategies to be used by the
221 officers, quality and level of commitment to the effort, and the
222 link to community policing.

223 (* * *e) All agencies receiving awards through the
224 MCOPS in Schools program are required to send the School Resource
225 Officer position(s) funded by this grant, to the Mississippi Law
226 Enforcement Officers' Training Academy where they shall be
227 required to participate in training through the Advanced Law



228 Enforcement Rapid Response Training Program at the academy, with
229 the cost to be defrayed from the MCOPS program. The MCOPS Office
230 of the State Department of Education will reimburse grantees for
231 training, per diem, travel, and lodging costs for attendance of
232 required participants up to a maximum of One Thousand Two Hundred
233 Dollars (\$1,200.00) per person attending. Applicants receiving an
234 MCOPS in Schools grant, will receive additional training
235 information following notification of the grant award. The MCOPS
236 in Schools training requirement must be completed prior to the end
237 of twelve-month grant funding for officer positions.

238 (3) The State Department of Education shall promulgate rules
239 and regulations prescribing procedures for the application,
240 expenditure requirements and the administration of the Mississippi
241 Community Oriented Policing Services in Schools (MCOPS) program
242 established in this section, and shall make a report on the
243 implementation of the MCOPS program with any recommendations to
244 the 2014 Regular Session of the Legislature.

245 **SECTION 4.** Section 37-3-83, Mississippi Code of 1972, is
246 amended as follows:

247 37-3-83. (1) There is established within the State
248 Department of Education, using only existing staff and resources,
249 a School Safety Grant Program, available to all eligible public
250 school districts, to assist in financing programs to provide
251 school safety. However, no monies from the Temporary Assistance



252 for Needy Families grant may be used for the School Safety Grant
253 Program.

254 (2) The school board of each school district, with the
255 assistance of the State Department of Education School Safety
256 Center, shall adopt a comprehensive local school district school
257 safety plan and shall update the plan on an annual basis.

258 (3) Subject to the extent of appropriations available, the
259 School Safety Grant Program shall offer any of the following
260 specific preventive services, and other additional services
261 appropriate to the most current school district school safety
262 plan:

263 (a) Metal detectors;

264 (b) Video surveillance cameras, communications
265 equipment and monitoring equipment for classrooms, school
266 buildings, school grounds and school buses;

267 (c) Crisis management/action teams responding to school
268 violence;

269 (d) Violence prevention training, conflict resolution
270 training, peer mediation training, anti-bullying training and
271 other appropriate training designated by the State Department of
272 Education for faculty and staff; and

273 (e) School safety personnel.

274 (4) Each local school district of this state may annually
275 apply for school safety grant funds subject to appropriations by
276 the Legislature. School safety grants shall include a base grant



277 amount plus an additional amount per student in average daily
278 attendance in the school or school district. The base grant
279 amount and amount per student shall be determined by the State
280 Board of Education, subject to specific appropriation therefor by
281 the Legislature. In order to be eligible for such program, each
282 local school board desiring to participate shall apply to the
283 State Department of Education by May 31 before the beginning of
284 the applicable fiscal year on forms provided by the department,
285 and shall be required to establish a local School Safety Task
286 Force to involve members of the community in the school safety
287 effort. The State Department of Education shall determine by July
288 1 of each succeeding year which local school districts have
289 submitted approved applications for school safety grants.

290 (5) As part of the School Safety Grant Program, the State
291 Department of Education may conduct a pilot program to research
292 the feasibility of using video camera equipment in the classroom
293 to address the following:

294 (a) Determine if video cameras in the classroom reduce
295 student disciplinary problems;

296 (b) Enable teachers to present clear and convincing
297 evidence of a student's disruptive behavior to the student, the
298 principal, the superintendent and the student's parents; and

299 (c) Enable teachers to review teaching performance and
300 receive diagnostic feedback for developmental purposes.



301 (6) Any local school district may use
302 audio/visual-monitoring equipment in classrooms, hallways,
303 buildings, grounds and buses for the purpose of monitoring school
304 disciplinary problems.

305 (7) As a component of the comprehensive local school
306 district school safety plan required under subsection (2) of this
307 section, the school board of a school district may adopt and
308 implement a policy addressing sexual abuse of children, to be
309 known as "Erin's Law Awareness." Any policy adopted under this
310 subsection may include or address, but need not be limited to, the
311 following:

312 (a) Methods for increasing teacher, student and
313 parental awareness of issues regarding sexual abuse of children,
314 including knowledge of likely warning signs indicating that a
315 child may be a victim of sexual abuse;

316 (b) Educational information for parents or guardians,
317 which may be included in the school handbook, on the warning signs
318 of a child being abused, along with any needed assistance,
319 referral or resource information;

320 (c) Training for school personnel on child sexual
321 abuse;

322 (d) Age-appropriate curriculum for students in
323 prekindergarten through fifth grade;

324 (e) Actions that a child who is a victim of sexual
325 abuse should take to obtain assistance and intervention;



326 (f) Counseling and resources available for students
327 affected by sexual abuse; and

328 (g) Emotional and educational support for a child who
329 has been abused to enable the child to be successful in school.

330 **SECTION 5.** Section 37-7-321, Mississippi Code of 1972, is
331 brought forward as follows:

332 37-7-321. (1) The school board of any school district
333 within the State of Mississippi, in its discretion, may employ one
334 or more persons as security personnel and may designate such
335 persons as peace officers in or on any property operated for
336 school purposes by such board upon their taking such oath and
337 making such bond as required of a constable of the county in which
338 the school district is situated.

339 (2) Any person employed by a school board as a security
340 guard or school resource officer or in any other position that has
341 the powers of a peace officer must receive a minimum level of
342 basic law enforcement training, as jointly determined and
343 prescribed by the Board on Law Enforcement Officer Standards and
344 Training and the State Board of Education, within two (2) years of
345 the person's initial employment in such position. Upon the
346 failure of any person employed in such position to receive the
347 required training within the designated time, the person may not
348 exercise the powers of a peace officer in or on the property of
349 the school district.



350 (3) The school board is authorized and empowered, in its
351 discretion, and subject to the approval of the Federal
352 Communications Commission, to install and operate a noncommercial
353 radio broadcasting and transmission station for educational and
354 vocational educational purposes.

355 (4) If a law enforcement officer is duly appointed to be a
356 peace officer by a school district under this section, the local
357 school board may enter into an interlocal agreement with other law
358 enforcement entities for the provision of equipment or traffic
359 control duties, however, the duty to enforce traffic regulations
360 and to enforce the laws of the state or municipality off of school
361 property lies with the local police or sheriff's department which
362 cannot withhold its services solely because of the lack of such an
363 agreement.

364 **SECTION 6.** This act shall take effect and be in force from
365 and after July 1, 2018.

