MISSISSIPPI LEGISLATURE                   REGULAR SESSION 2020

By: Representatives Calvert, Smith, Lancaster, McLean, Creekmore IV, Roberson, Clark, Paden, Mickens, Cockerham, Brown (70th)

To: Education

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 770

AN ACT TO CREATE THE "TRAUMA-INFORMED DISCIPLINE PRACTICES ACT"; TO PREVENT AND REDUCE TRAUMA-RELATED AFTER EFFECTS THROUGH THE DEVELOPMENT AND IMPLEMENTATION OF APPROACHES TO STUDENT LEARNING THAT RECOGNIZE THE SIGNS AND SYMPTOMS OF TRAUMA AND INTEGRATES RESEARCH-BASED KNOWLEDGE INTO EDUCATION-BASED POLICIES, LEARNING, PROCEDURES AND PRACTICES IN PUBLIC AND PRIVATE SCHOOLS; TO PROVIDE DEFINITIONS; TO PRESCRIBE THE MINIMUM STANDARDS OF TRAINING; TO REQUIRE EACH LOCAL SCHOOL BOARD OR APPROPRIATE GOVERNING BOARD OF EACH PUBLIC SCHOOL, CHARTER SCHOOL AND NONPUBLIC SCHOOL ACCREDITED BY THE STATE DEPARTMENT OF EDUCATION TO SUBMIT A STATE PLAN AND TO PROVIDE REPORTING REQUIREMENTS IN ACCORDANCE WITH THE RULES AND REGULATIONS PROMULGATED BY THE STATE BOARD OF EDUCATION; TO CREATE THE MISSISSIPPI SCHOOL SAFETY AND SECURITY COMMITTEE TO DEVELOP RECOMMENDATIONS FOR SCHOOLS RELATING TO MENTAL HEALTH SERVICES AND TRAUMA-INFORMED SCHOOLS; AND FOR RELATED PURPOSES.

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

SECTION 1. This act shall be known, and may be cited as the "Trauma-Informed Discipline Practices Act."

SECTION 2. Findings. (1) With the rise in school shootings and violence in the United States, national research is confirming that anxiety and stress levels of children and teenagers are increasing at an alarming rate in public and private schools. A child's exposure and reaction to trauma can interfere with brain development, learning and behavior, all of which have a potential
impact on a child's academic success as well as the overall school experience.

(2) By understanding and responding to trauma, school administrators, teachers, staff and students can help reduce its negative impact, support critical learning, and create a more positive school experience. Trauma-informed discipline policies and behavioral interventions can better meet the educational needs of students who have experienced trauma.

(3) Policy must be implemented that better equips teachers and other school employees to help children who have experienced trauma, or Adverse Childhood Experiences (ACEs), succeed by implementing mandatory training for select professional school staff.

(4) Adverse Childhood Experiences (ACEs) include all forms of maltreatment, abuse, neglect and other potentially traumatic experiences that occur to people younger than eighteen (18) years of age. An ACE score is a tally of different types of abuse, neglect and other hallmarks of a challenging childhood. The higher the ACE score, the more childhood trauma the child has experienced. The more childhood trauma, the higher the risk of self-destructive behavior, chronic health conditions, emotional and behavioral dysfunction and premature death, according to the Centers for Disease Control and Prevention.

(5) There are no evidence-based training programs on adverse childhood experiences for school leaders and teachers in
Mississippi. ACEs are stressful or traumatic events experienced by people under eighteen (18) years of age, and include, but are not limited to: physical abuse, sexual abuse, poverty, neglect, neighborhood violence, natural or other disasters, hunger, bullying, family violence, emotional abuse and psychological abuse.

(6) The State of Mississippi lacks authorization for local education agencies (LEAs) to develop their own ACEs training program to make available to school personnel.

SECTION 3. Purpose. The purposes of this act are to:

(a) Develop an evidence-based strategy to address adverse childhood experiences (ACEs), as defined in Section 4 of this act, that are adopted through policies by public, charter and nonpublic schools accredited by the State Department of Education, which seek to:

   (i) Balance accountability with an understanding of traumatic behavior;

   (ii) Teach school and classroom rules while reinforcing that violence and abusive behavior are not allowed, nor tolerated at school or school-related activities;

   (iii) Create consistent rules and consequences;

   and

   (iv) Model respectful, nonviolent relationships.

(b) Develop guidelines on trauma-informed discipline practices, based on professional input from licensed school social
workers, who participate in in-home case management, certified trauma specialists, and by the State Department of Education, that LEAs must use to develop related policy.

SECTION 4. Definitions. As used in this act, the following terms shall have the meanings ascribed in this section, unless context of use clearly requires otherwise:

(a) "Adverse Childhood Experiences" (ACEs) mean stressful or traumatic events experienced by minor children, including, but not limited to: physical abuse, sexual abuse, poverty, neglect, neighborhood violence, natural or other disasters, hunger, bullying, family violence, emotional abuse and psychological abuse.

(b) "Elementary school" means any school within the definition of the term under the Elementary and Secondary Education Act of 1965 (20 USCS Section 7801(18)).

(c) "Local school district" means a Mississippi public school district governed by a local school board, charter school governing board, or board of a nonpublic school accredited by the State Department of Education.

(d) "Charter school" means a school operating under the authority of the "Mississippi Charter School Act of 2013," as defined in Section 37-28-5.

(e) "Trauma-informed discipline practices" means a strength-based framework, grounded in an understanding of and responsiveness to the impact of trauma that emphasizes physical,
psychological and emotional safety for everyone, and that creates
opportunities for survivors to rebuild a sense of control and
empowerment.

(f) "Positive behavior supports" means a systematic
approach to embed evidence-based practices and data-driven
decision making to improve school climate and culture, including
systemic and individualized strategies to achieve improved
academic and social outcomes, and increase learning for all
students.

(g) "School" mean any entity that is a public school,
charter school or nonpublic school accredited by the State
Department of Education that provides early childhood, elementary
or secondary education programs of instruction, which are under
the jurisdiction of a local education agency, governing board, or
other board of trustees, and receive financial assistance from the
state and federal government.

(h) "Secondary school" means any school within the
definition of the term under the Elementary and Secondary
Education Act of 1965 (20 USCS Section 7801(38)).

(i) "Board" means the State Board of Education acting
through the State Superintendent of Public Education.

SECTION 5. Minimum standards. Not later than one hundred
eighty (180) days after July 1, 2020, the State Board of Education
shall promulgate rules and regulations establishing the minimum
standards of training of school personnel in trauma-informed
education for all public, charter and nonpublic schools accredited by the State Department of Education providing instruction for students in kindergarten through Grade 12. The standards shall include:

(a) Techniques to identify and assess signs of ACEs and the resulting trauma among students in kindergarten through Grade 12;

(b) Approaches to utilize triangulated, hierarchical support systems;

(c) Development of school-wide policies related to positive behavior supports, restorative justice and resiliency;

(d) Requirements that the governing board of each LEA, public school, charter school and nonpublic school accredited by the State Department of Education adopts a policy requiring schools under their jurisdiction to perform an ACEs assessment before long-term suspension for ten (10) or more days, expelling a student, or requiring a student to attend alternative school; and

(e) The policy adopted by an educational entity under paragraph (d) of this section must provide guidance on who will administer the assessment, limited to the Licensed Certified Social Workers (LCSW), National Certified School Counselors, (NCSC), or Class AAA or AAAA psychologists. The assessment findings must be considered before implementing long-term suspension for ten (10) or more days, expelling a student, or requiring a student to attend alternative school.
SECTION 6. State plan and reporting requirement and enforcement. (1) Not later than two (2) weeks after the promulgation of the rules and regulations required under the provisions of Section 5 of this act are formally adopted following compliance with the Mississippi Administrative Procedures Act, and every year thereafter, the local school board or appropriate governing board of each public school, charter school and nonpublic school accredited by the State Department of Education providing instruction for students in kindergarten through Grade 12 shall submit a plan to the State Superintendent of Public Education that provides:

(a) Assurances that the school district, charter school or accredited nonpublic school has in effect:

(i) Policies and procedures that meet the minimum standards with respect to state-approved trauma-informed education mandatory training, established by regulations promulgated by the State Board of Education;

(ii) Mechanisms to ensure the recording of the occurrence of the trauma-informed education mandatory training; and

(iii) Mechanisms to effectively monitor and enforce the minimum standards.

(b) A description of the state policies and procedures, including a description of the state-approved trauma-informed education trainings programs in the state.
(2) Annually, each local school board or appropriate governing board of each public school, charter school and nonpublic school accredited by the State Department of Education shall prepare and submit to the State Board of Education, the number of school personnel participating, the number of trainings facilitated, dates of the trainings and location of the state-approved trauma-informed education mandatory trainings.

SECTION 7. (1) There is created the Mississippi School Safety and Security Committee. The Mississippi School Safety and Security Committee is a working group, the purposes of which are to develop recommendations that promote early identification, referral, coordination and access to quality mental health services for students and to have as an additional focus on the safety of the students and educators in the classroom.

(2) The Mississippi School Safety and Security Committee shall develop a guide for public schools, charter schools and any nonpublic school accredited by the State Department of Education on how to become a trauma-informed school and a website about the Trauma-Informed Schools Initiative which includes information for parents or guardians, public schools, charter schools and any nonpublic school accredited by the State Department of Education.

(3) The School Safety and Security Committee shall provide criteria for the use of federal funds to support trauma-informed practices in schools.
(4) The School Safety and Security Committee is comprised of the following persons:

(a) A chairperson elected by majority vote of the committee;

(b) An individual from a state institution of higher learning who is a subject matter expert in trauma-informed approaches, appointed by the Commissioner of Higher Education;

(c) A school principal with experience in behavioral matters, appointed by the Mississippi Association of School Administrators;

(d) A school nurse with experience in behavioral health matters, appointed by the Mississippi Association of Educators;

(e) A school director with experience in school safety and security matters or behavioral health matters, appointed by the Mississippi Association of School Superintendents;

(f) A social and emotional learning coordinator;

(g) A child psychologist who specializes in mental, social and emotional development of children, appointed by the Mississippi Psychological Association; and

(h) A licensed clinical social worker.

SECTION 8. This act shall take effect and be in force from and after July 1, 2020.