HOUSE BILL NO. 1132

AN ACT TO CREATE THE "TRAUMA-INFORMED DISCIPLINE PRACTICES ACT"; TO REQUIRE THE STATE BOARD OF EDUCATION TO PROMULGATE RULES AND REGULATIONS AIMED AT PREVENTING AND REDUCING TRAUMA-RELATED AFTER EFFECTS THROUGH THE DEVELOPMENT AND IMPLEMENTATION OF APPROACHES TO STUDENT LEARNING WHICH RECOGNIZE THE SIGNS AND SYMPTOMS OF TRAUMA AND INTEGRATE RESEARCH-BASED KNOWLEDGE INTO EDUCATION-BASED POLICIES AND PRACTICES IN PUBLIC AND PRIVATE SCHOOLS; TO DEFINE CERTAIN TERMS; TO PRESCRIBE THE MINIMUM STANDARDS OF TRAINING; TO REQUIRE EACH LOCAL SCHOOL BOARD AND APPROPRIATE GOVERNING BOARD OF A CHARTER SCHOOL OR NONPUBLIC SCHOOL ACCREDITED BY THE STATE DEPARTMENT OF EDUCATION TO SUBMIT A STATE PLAN; TO ESTABLISH REPORTING REQUIREMENTS; 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 appropriately 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 which 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, which is 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 the State Department of Education, which guidelines must be used by LEAs to develop related policy.

SECTION 4. Definitions. As used in this act, the following words and phrases have the meanings ascribed in this section unless the context clearly requires otherwise:

(a) "Adverse Childhood Experiences" (ACEs) means stressful or traumatic events experienced by minor children, including, but not limited to: physical abuse or other violence; being a witness to violence in the home; sexual abuse; poverty; neglect; neighborhood violence or being a witness to violence in the community; exposure to substance abuse, prescription or otherwise; exposure to mental health disorders or instability due to the incarceration of parents or other household members; 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 Schools Act of 2013, as defined in Section 37-28-5.

(e) "Trauma" means the results from an event, series of events or set of circumstances which is experienced by an individual as physically or emotionally harmful or threatening and which has lasting adverse effects on the individual's cognitive functioning and physical, social, emotional, mental or spiritual well-being.

(f) "Trauma-informed approach" means a school-wide approach to education and a classroom-based approach to student learning which recognizes the signs and symptoms of trauma and responds by fully integrating knowledge about trauma into policies, professional learning, procedures and practices for the purpose of recognizing the presence and onset of trauma, resisting the recurrence of trauma and promoting resiliency tailored to a school entity's culture, climate and demographics and the community as a whole.

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

(i) "School" means any entity that is a public school, charter school or nonpublic school accredited by the State Department of Education which: provides early childhood, elementary or secondary education programs of instruction; 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.

(j) "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)).

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

SECTION 5. Minimum standards. Before December 31, 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 must 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;

and

(d) Requirements that the governing board of each LEA, public school, charter school and nonpublic school accredited by the State Department of Education must adopt 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. A policy adopted by an educational entity under this paragraph must provide guidance on who will administer the assessment, which must be limited to 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 date on which the rules and regulations promulgated under Section 5 of
this act formally are adopted in 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) Trauma-Informed Practices Professional Development. Trauma-Informed Practices Professional Development must include, but need not be limited to:

(i) The implementation of mandatory training for administrators, staff and school board members to identify the signs and symptoms of trauma;

(ii) A minimum of one (1) hour of professional development training on trauma-informed approaches;

(iii) Staff training that covers the following three (3) core areas:

1. Strengthening relationships between children and adults and conveying the vital role staff play as caring adults in the lives of traumatized children and their caregivers;

2. Identifying and using outside supports;

and

3. Helping children affected by trauma modulate their emotions and gain social and academic competence;
(b) 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, as 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; and

(c) A description of the state policies and procedures, including a description of the state-approved trauma-informed education training programs in the state.

(2) Annually, each local school board and the governing board of each 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.