SENATE BILL NO. 2580

AN ACT TO CREATE THE TRAUMA-INFORMED DISCIPLINE PRACTICES ACT; TO PREVENT AND REDUCE TRAUMA-RELATED AFTEREFFECTS 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; 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. Purpose. The purposes of this act are to:

(a) Develop an evidence-based strategy to address consequences of adverse childhood experiences, as defined in Section 3 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; and

(iii) 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 school districts must use to develop related policy.

SECTION 3. Definitions. As used in this act, the following terms shall have the meanings ascribed in this section, unless the context of use clearly requires otherwise:

(a) "Adverse childhood experiences" are 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) "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.

(f) "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.

(g) "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)).

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

SECTION 4. 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 adverse childhood experiences and the resulting trauma among students in Kindergarten through Grade 12;

(b) Development of school wide policies related to positive behavior supports;

(c) Requirements that the governing board of each school district, 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 adverse childhood experiences' assessment before long-term suspension for ten (10) or more days, expelling a student, or requiring a student to attend alternative school; and

(d) The policy adopted by an educational entity under paragraph (c) 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 5. 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 4 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 training 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 6. This act shall take effect and be in force from and after July 1, 2020.