

By: Representatives Summers, Holloway

To: Education

HOUSE BILL NO. 346

1 AN ACT TO AMEND SECTION 37-11-67, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE DEFINITION OF THE TERM "BULLYING OR HARASSING
3 BEHAVIOR," AS USED IN THE STATUTE PROHIBITING SUCH ACTS BY
4 STUDENTS AND SCHOOL EMPLOYEES, TO SPECIFY CERTAIN DIFFERENTIATING
5 CHARACTERISTICS THAT BULLYING IS COMMONLY MOTIVATED BY; TO DEFINE
6 AND INCLUDE "CYBERBULLYING" INVOLVING STUDENTS OR SCHOOL EMPLOYEES
7 AS A PROHIBITED FORM OF BEHAVIOR; TO AMEND SECTION 37-11-69,
8 MISSISSIPPI CODE OF 1972, TO REQUIRE SCHOOL DISTRICTS' PERSONNEL
9 POLICIES, DISCIPLINE POLICIES AND CODES OF STUDENT CONDUCT TO
10 INCLUDE CYBERBULLYING AS A PROHIBITED ACT; TO REQUIRE THE STATE
11 DEPARTMENT OF EDUCATION TO DEVELOP AGE-APPROPRIATE CURRICULUM
12 GUIDELINES RELATING TO BULLYING; TO REQUIRE SCHOOL DISTRICTS TO
13 PROVIDE IN-SERVICE TRAINING TO ALL SCHOOL EMPLOYEES ON BULLYING;
14 AND FOR RELATED PURPOSES.

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

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

18 37-11-67. (1) As used in this section, the following words
19 and phrases have the meanings ascribed in this subsection unless
20 the context clearly requires otherwise:

21 (a) "Bullying or harassing behavior" is any pattern of
22 gestures or written, electronic or verbal communications, or any
23 physical act or any threatening communication, or any act
24 reasonably perceived as being motivated by any actual or perceived



differentiating characteristic, including: race; color; religion;
national origin; ancestry or ethnicity; sexual orientation;
socioeconomic status; age; physical, mental, emotional or learning
disability; gender; gender identity and expression; physical
appearance; weight; family status; or other distinguishing
personal characteristic or association with another person
identified with such a characteristic. Bullying that is a
violation of this section is that which takes place on school
property, at any school-sponsored function, or on a school bus,
and * * * which:

(* * * i) Places a student or school employee in
actual * * * or reasonable fear of harm to his or her person or
damage to his or her property; or

(* * * ii) Creates or is certain to create a
hostile environment by substantially interfering with or impairing
a student's educational performance, opportunities or
benefits. * * *

(b) "Cyberbullying" means a form of bullying that occurs
through the use of technology or any electronic communication
including, but not limited to, a transmission of a message, text
or signs, signals, writings, images, sounds, data or intelligence
of any nature transmitted by the use of an electronic device
including, but not limited to, a computer, telephone, cellular
telephone, text messaging device, pager or other wireless
communication device. Cyberbullying that is a violation of this



section is not limited to that which takes place on school property, at a school-sponsored function or on a school bus if the cyberbullying has a result described in paragraph (a)(i) or (ii) of this subsection.

(c) "Hostile environment" means that the victim subjectively views the conduct as bullying, cyberbullying or harassing behavior and the conduct is objectively severe or pervasive enough that a reasonable person would agree that it is bullying, cyberbullying or harassing behavior.

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

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

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

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



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

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

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

(a) Prohibit the bullying of a student;

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

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

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

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



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

(g) Prohibit the imposition of a disciplinary measure on a student who, after an investigation, is found to be a victim of bullying, on the basis of that student's use of reasonable self-defense in response to the bullying; and

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

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

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

SECTION 3. (1) The State Department of Education shall develop and issue age-appropriate curriculum guidelines to school districts relating to bullying, cyberbullying and harassing behavior. The curriculum guidelines must be designed to provide education and information to students regarding bullying, including information regarding the school district policy



122 prohibiting bullying, the harmful effects of bullying and the
123 proper means of reporting persons believed to have engaged in
124 bullying, reprisal or retaliation against a person who has
125 reported an act of bullying.

126 (2) The State Department of Education shall require school
127 districts to conduct in-service training relating to bullying,
128 cyberbullying and harassing behavior for all school district
129 employees. The training required under this subsection may be
130 accomplished as part of a scheduled in-service training session or
131 via online virtual or prerecorded presentation of the relevant
132 information and materials, including an explanation of the school
133 district's policy against bullying and harassing behavior and the
134 obligations and rights of school employees under the policy.

135 **SECTION 4.** This act shall take effect and be in force from
136 and after July 1, 2021.

