

By: Senator(s) McDaniel

To: Education

SENATE BILL NO. 2764

1 AN ACT TO PROVIDE THAT THE LOCAL SCHOOL BOARD OF EVERY PUBLIC  
 2 SCHOOL DISTRICT AND PUBLIC CHARTER SCHOOL SHALL ADOPT A PROCEDURE  
 3 FOR NOTIFYING THE PARENT OF A STUDENT ENROLLED IN THE SCHOOL  
 4 REGARDING MENTAL, EMOTIONAL AND PHYSICAL HEALTH OF THE STUDENT AND  
 5 AVAILABLE HEALTH-RELATED SERVICES; TO PROVIDE FOR PARENTAL CONSENT  
 6 FOR SUCH SERVICES; TO AUTHORIZE STUDENT WELL-BEING QUESTIONNAIRES;  
 7 TO PROHIBIT SCHOOL PERSONNEL FROM PROVIDING OR ALLOWING A THIRD  
 8 PARTY TO PROVIDE INSTRUCTION REGARDING SEXUAL ORIENTATION OR  
 9 GENDER IDENTITY TO STUDENTS ENROLLED IN K-12 IN A MANNER THAT IS  
 10 NOT AGE OR DEVELOPMENTALLY APPROPRIATE; TO AMEND SECTION 37-9-59,  
 11 MISSISSIPPI CODE OF 1972; TO AUTHORIZE DISMISSAL OR SUSPENSION FOR  
 12 A CERTIFIED TEACHER WHO DOES NOT COMPLY WITH THE PROVISIONS OF  
 13 THIS ACT RELATING TO SEXUAL ORIENTATION OR GENDER IDENTITY; AND  
 14 FOR RELATED PURPOSES.

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

16 **SECTION 1.** (1) The local school board of every public  
 17 school district in the State of Mississippi shall adopt a  
 18 procedure for notifying the parent of a student enrolled in the  
 19 district regarding any change in:

20 (a) Service provided to or monitoring of the student  
 21 related to the student's mental, emotional, or physical health or  
 22 well-being; or

23 (b) The district's ability to provide a safe and  
 24 supportive learning environment for the student.



25           (2) A procedure adopted under subsection (1) of this section  
26 must reinforce the fundamental right of a parent to make decisions  
27 regarding the upbringing and control of the parent's child by  
28 requiring school district personnel to:

29           (a) Encourage a student to discuss issues relating to  
30 the student's well-being with the student's parent; or

31           (b) Facilitate a discussion described under paragraph  
32 (a) of this subsection.

33           (3) A school district may not adopt a procedure or a  
34 student-support form, including a student well-being questionnaire  
35 or health-screening form, that:

36           (a) Prohibits a district employee from notifying the  
37 parent of a student regarding:

38           (i) Information about the student's mental,  
39 emotional, or physical health or well-being; or

40           (ii) A change in services provided to or  
41 monitoring of the student related to the student's mental,  
42 emotional, or physical health or well-being.

43           (b) Encourage or has the effect of encouraging a  
44 student to withhold from the student's parent information  
45 described by subsection (1)(a); or

46           (c) Prevents a parent from accessing education or  
47 health records concerning the parent's child.

48           (4) Subsections (1) and (2) do not require the disclosure of  
49 information to a parent if a reasonably prudent person would



50 believe the disclosure is likely to result in the student  
51 suffering abuse or neglect, as those terms are defined by law.

52 (5) A school district employee may not discourage or  
53 prohibit parental knowledge of or involvement in critical  
54 decisions affecting a student's mental, emotional, or physical  
55 health or well-being.

56 (6) Any student support services training developed or  
57 provided by a school district to district employees must comply  
58 with any student services guidelines, standards, and frameworks  
59 established by the State Board of Education and the Mississippi  
60 Department of Education.

61 (7) Before the first instructional day of each school year,  
62 a school district shall provide to the parent of each student  
63 enrolled in the district written notice of each health-related  
64 service offered at the district campus the student attends. The  
65 notice must include a statement of the parent's right to withhold  
66 consent for or decline a health-related service. A parent's  
67 consent to a health-related service does not waive a requirement  
68 of subsection (1), (2), or (5).

69 (8) Before administering a student a well-being  
70 questionnaire or health-screening form to a student enrolled in  
71 kindergarten through twelfth grade, a school district must provide  
72 a copy of the questionnaire or form to the student's parent and  
73 obtain the parent's consent to administer the questionnaire or  
74 form.



75 (9) Not later than August 1, 2024, the State Department  
76 Education and the State Board of Education, and the Commission on  
77 Educator Certification, as appropriate, shall review and revise as  
78 necessary the following to ensure compliance with this section:

79 (a) School counseling frameworks and standard;

80 (b) Educator practices and professional conduct  
81 principles; and

82 (c) Any other student services personnel guidelines,  
83 standards, or frameworks.

84 (10) This section is fully applicable to governing boards  
85 and employees of public charter schools.

86 **SECTION 2.** A school district, open-enrollment charter  
87 school, or district or charter school employee may not provide or  
88 allow a third party to provide instruction regarding sexual  
89 orientation or gender identity:

90 (a) To students enrolled in kindergarten through  
91 twelfth grade; or

92 (b) In a manner that is not age-appropriate or  
93 developmentally appropriate.

94 **SECTION 3.** Section 37-9-59, Mississippi Code of 1972, is  
95 amended as follows:

96 37-9-59. For incompetence, neglect of duty, immoral conduct,  
97 intemperance, brutal treatment of a pupil, failure to comply with  
98 restrictions on instruction regarding sexual orientation and  
99 gender identity prescribed in this act, or other good cause the



100 superintendent of schools may dismiss or suspend any licensed  
101 employee in any school district. Before being so dismissed or  
102 suspended any licensed employee shall be notified of the charges  
103 against him and he shall be advised that he is entitled to a  
104 public hearing upon said charges. Provided, however, that a  
105 school superintendent whose employment has been terminated under  
106 this section shall not have the right to request a hearing before  
107 the school board or a hearing officer. Provided, however, that a  
108 licensed employee in a conservator school district whose  
109 employment has been terminated under this section for good cause  
110 as determined by a conservator appointed by the State Board of  
111 Education shall not have a right to request a hearing before the  
112 school board, a hearing officer or the State Board of Education.  
113 The conservator has the right to immediately terminate a licensed  
114 employee under this section. In the event the continued presence  
115 of said employee on school premises poses a potential threat or  
116 danger to the health, safety or general welfare of the students,  
117 or, in the discretion of the superintendent, may interfere with or  
118 cause a disruption of normal school operations, the superintendent  
119 may immediately release said employee of all duties pending a  
120 hearing if one is requested by the employee. In the event a  
121 licensed employee is arrested, indicted or otherwise charged with  
122 a felony by a recognized law enforcement official, the continued  
123 presence of the licensed employee on school premises shall be  
124 deemed to constitute a disruption of normal school operations.



125 The school board, upon a request for a hearing by the person so  
126 suspended or removed shall set a date, time and place for such  
127 hearing which shall be not sooner than five (5) days nor later  
128 than thirty (30) days from the date of the request. The procedure  
129 for such hearing shall be as prescribed for hearings before the  
130 board or hearing officer in Section 37-9-111. From the decision  
131 made at said hearing, any licensed employee shall be allowed an  
132 appeal to the chancery court in the same manner as appeals are  
133 authorized in Section 37-9-113. Any party aggrieved by action of  
134 the chancery court may appeal to the Mississippi Supreme Court as  
135 provided by law. In the event that a licensed employee is  
136 immediately relieved of duties pending a hearing, as provided in  
137 this section, said employee shall be entitled to compensation for  
138 a period up to and including the date that the initial hearing is  
139 set by the school board, in the event that there is a request for  
140 such a hearing by the employee. In the event that an employee  
141 does not request a hearing within five (5) calendar days of the  
142 date of the notice of discharge or suspension, it shall constitute  
143 a waiver of all rights by said employee and such discharge or  
144 suspension shall be effective on the date set out in the notice to  
145 the employee.

146 The school board of every school district in this state is  
147 hereby prohibited from denying employment or reemployment to any  
148 person as a superintendent, principal or licensed employee, as  
149 defined in Section 37-19-1, or as a noninstructional personnel, as



150 defined in Section 37-9-1, for the single reason that any eligible  
151 child of such person does not attend the school system in which  
152 such superintendent, principal, licensed employee or  
153 noninstructional personnel is employed.

154 The provisions of this section shall be fully applicable to  
155 any administrator or employee of the Mississippi School of the  
156 Arts (MSA).

157 **SECTION 4.** This act shall take effect and be in force from  
158 and after July 1, 2023.

