

By: Representative Scott

To: Education

HOUSE BILL NO. 278

1 AN ACT TO AMEND SECTION 37-11-54, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE THE STATE BOARD OF EDUCATION TO DEVELOP THE CURRICULUM
3 AND IMPLEMENT A PROGRAM OF CONFLICT RESOLUTION AND PEER MEDIATION
4 TO BE USED BY LOCAL SCHOOL DISTRICTS; TO PROVIDE THAT THE
5 CURRICULUM DEVELOPED FOR USE SHALL BE AGE AND GRADE APPROPRIATE;
6 TO REQUIRE PROGRAMS OF CONFLICT RESOLUTION AND PEER MEDIATION IN
7 FAILING DISTRICTS TO BE SUPERVISED BY THE SCHOOL RESOURCE OFFICER
8 WITH THE ASSISTANCE OF OTHER DISTRICT PERSONNEL TO COMBAT VIOLENCE
9 AND BULLYING; TO PROVIDE THAT THE PROGRAM OF CONFLICT RESOLUTION
10 SHALL PROVIDE SCHOOL ADMINISTRATORS WITH ALTERNATIVES TO HANDLING
11 STUDENT DISCIPLINARY MATTERS; TO AMEND SECTION 37-11-53,
12 MISSISSIPPI CODE OF 1972, TO REQUIRE SCHOOL DISTRICTS TO ALLOW ANY
13 PUBLIC SCHOOL STUDENT WHO HAS NEVER BEEN SUBJECT TO DISCIPLINARY
14 ACTION WHO COMMITS AN ACT OR ENGAGES IN CONDUCT FOR WHICH THE
15 STUDENT OTHERWISE WOULD BE SUSPENDED OR EXPELLED UNDER THE SCHOOL
16 DISTRICT'S DISCIPLINE PLAN, AT THE ELECTION OF THE STUDENT, TO
17 PARTICIPATE IN A COMMUNITY SERVICE PROGRAM AS AN ALTERNATIVE TO
18 SUSPENSION OR EXPULSION; TO PROVIDE THAT WHILE PARTICIPATING IN
19 THE PROGRAM, THE STUDENT SHALL RECEIVE YOUTH PEER COUNSELING
20 DEEMED APPROPRIATE BY THE SCHOOL DISTRICT; TO AMEND SECTIONS
21 37-3-82 AND 37-3-83, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO
22 THE PRECEDING PROVISIONS; TO BRING FORWARD SECTION 37-7-321,
23 MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENTS;
24 AND FOR RELATED PURPOSES.

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

26 **SECTION 1.** Section 37-11-54, Mississippi Code of 1972, is
27 amended as follows:

28 37-11-54. (1) The State Board of Education shall develop
29 a * * * conflict resolution and mediation * * * program and * * *

30 curriculum that are developed from evidence-based practices and
31 positive behavioral intervention supports to address responsible
32 decision making, the causes and effects of school violence and
33 harassment, cultural diversity, and nonviolent methods for
34 resolving conflict, including peer mediation, * * * which
35 shall * * * be age- and grade-appropriate and incorporated into
36 the instructional curriculum of each school district before the
37 beginning of the * * * 2025-2026 school year. All "D" and "F"
38 rated school districts shall be required to participate in this
39 program. In addition, local school boards shall incorporate
40 evidence-based practices and positive behavioral intervention
41 supports into individual school district policies and Codes of
42 Conduct. In developing this * * * program and curriculum, the
43 State Board of Education shall emphasize materials, models and
44 curricula that currently are being used in Mississippi public
45 schools * * * that * * * it determines to be effective. In
46 developing the curriculum to be used by school districts the State
47 Board of Education shall include at least one (1) model that
48 includes instruction and guidance for * * * peer mediation
49 programs and one (1) model that provides instruction and guidance
50 for teachers concerning the integration of conflict resolution and
51 mediation lessons into the existing classroom curriculum.

52 (2) In each school district designated as failing as
53 determined by an accountability rating of "D" or "F," the program
54 of conflict resolution shall be under the direct supervision of



55 the school resource officer, who shall be assisted by a licensed
56 teacher and professional school counselor in implementing conflict
57 resolution and peer mediation practices which are aligned to the
58 adopted curriculum and the district's Code of Conduct to combat
59 violence and bullying.

60 (3) The processes of conflict resolution and peer mediation
61 required to be incorporated into the curriculum of each school
62 district shall also provide school administrative personnel with
63 alternative methods for disciplinary actions taken against
64 students who are disruptive to the educational environment,
65 including in-school suspension, temporary alternative school
66 placement and community services as an alternative to suspension.

67 **SECTION 2.** Section 37-11-53, Mississippi Code of 1972, is
68 amended as follows:

69 37-11-53. (1) A copy of the school district's discipline
70 plan shall be distributed to each student enrolled in the
71 district, and the parents, guardian or custodian of * * * each
72 student shall sign a statement verifying that they have been given
73 notice of the discipline policies of their respective school
74 district. The school board shall have its official discipline
75 plan and code of student conduct legally audited on an annual
76 basis to insure that its policies and procedures are currently in
77 compliance with applicable statutes, case law and state and
78 federal constitutional provisions. * * * The provisions of this
79 section, Section 37-11-55 and Section 37-11-18.1 shall be fully



80 incorporated into the school district's discipline plan and code
81 of student conduct.

82 (2) All discipline plans of school districts shall include,
83 but not be limited to, the following:

84 (a) A parent, guardian or custodian of a
85 compulsory-school-age child enrolled in a public school district
86 shall be responsible financially for his or her minor child's
87 destructive acts against school property or persons;

88 (b) A parent, guardian or custodian of a
89 compulsory-school-age child enrolled in a public school district
90 may be requested to appear at school by the school attendance
91 officer or an appropriate school official for a conference
92 regarding acts of the child specified in paragraph (a) of this
93 subsection, or for any other discipline conference regarding the
94 acts of the child;

95 (c) Any parent, guardian or custodian of a
96 compulsory-school-age child enrolled in a school district who
97 refuses or willfully fails to attend * * * the discipline
98 conference specified in paragraph (b) of this * * * subsection may
99 be summoned by proper notification by the local superintendent of
100 schools or the school attendance officer and be required to
101 attend * * * the discipline conference; and

102 (d) A parent, guardian or custodian of a
103 compulsory-school-age child enrolled in a public school district
104 shall be responsible for any criminal fines brought against * * *



105 the student for unlawful activity occurring on school grounds or
106 buses.

107 (3) Any parent, guardian or custodian of a
108 compulsory-school-age child who (a) fails to attend a discipline
109 conference to which * * * the parent, guardian or custodian has
110 been summoned under * * * this section, or (b) refuses or
111 willfully fails to perform any other duties imposed upon him or
112 her under * * * this section, shall be guilty of a misdemeanor
113 and, upon conviction, shall be fined an amount not to exceed Two
114 Hundred Fifty Dollars (\$250.00).

115 (4) Any public school district shall be entitled to recover
116 damages in an amount not to exceed Twenty Thousand Dollars
117 (\$20,000.00), plus necessary court costs, from the parents of any
118 minor under the age of eighteen (18) years and over the age of six
119 (6) years, who maliciously and willfully damages or destroys
120 property belonging to * * * that school district. However, this
121 section shall not apply to parents whose parental control of * * *
122 their child has been removed by court order or decree. The action
123 authorized in this * * * subsection shall be in addition to all
124 other actions * * * that the school district is entitled to
125 maintain and nothing in this section shall preclude recovery in a
126 greater amount from the minor or from a person, including the
127 parents, for damages * * * for which * * * the minor or other
128 person would otherwise be liable.



129 (5) A school district's discipline plan may provide that as
130 an alternative to suspension, a student may remain in school by
131 having the parent, guardian or custodian, with the consent of the
132 student's teacher or teachers, attend class with the student for a
133 period of time specifically agreed upon by the reporting teacher
134 and school principal. If the parent, guardian or custodian does
135 not agree to attend class with the student or fails to attend
136 class with the student, the student shall be suspended in
137 accordance with the code of student conduct and discipline
138 policies of the school district.

139 (6) If a student who has never been subject to disciplinary
140 action commits an act or engages in conduct for which the student
141 otherwise would be suspended or expelled under the school
142 district's discipline plan, as an alternative to suspension or
143 expulsion, the student may be permitted, at the election of the
144 student, to participate in a community service program of at least
145 forty (40) hours in duration supervised by the school district or
146 a nonprofit organization that has a collaborative relationship
147 with the school district. While participating in the program, the
148 student may receive youth peer counseling deemed appropriate by
149 the school district.

150 **SECTION 3.** Section 37-3-82, Mississippi Code of 1972, is
151 amended as follows:

152 37-3-82. (1) There is hereby established the Mississippi
153 Community Oriented Policing Services in Schools (MCOPS) grant

154 program in the State Department of Education to provide funding,
155 pursuant to specific appropriation by the Legislature therefor, to
156 assist law enforcement agencies in providing additional School
157 Resource Officers to engage in community policing in and around
158 primary and secondary schools. The MCOPS program shall authorize
159 the State Department of Education to make grants to increase
160 deployment of law enforcement officers in order (a) to increase or
161 enhance community policing in this state, (b) that trained, sworn
162 enforcement officers assigned to schools play an integral part in
163 the development and/or enhancement of a comprehensive school
164 safety plan, and (c) that the presence of these officers shall
165 provide schools with a direct link to local law enforcement
166 agencies.

167 (2) The MCOPS program shall meet the following requirements
168 and standards:

169 (a) This program shall provide an incentive for law
170 enforcement agencies to build collaborative partnerships with the
171 school community and to use community policing efforts to combat
172 school violence and implement educational programs to improve
173 student and school safety.

174 (b) The additional School Resource Officers must devote
175 at least seventy-five percent (75%) of their time to work in and
176 around primary and secondary schools, in addition to the time that
177 School Resource Officers are devoting in the absence of the MCOPS
178 in Schools grant.

(c) Beginning with the 2019-2020 school year, the MCOPS in Schools program shall provide a minimum state contribution of up to Ten Thousand Dollars (\$10,000.00) per officer position over the one-year grant period, to be matched from local funds on a 50/50 matching basis. Officers paid with MCOPS funds may be employed by the local law enforcement agency or by the local school district. MCOPS funds may be used to pay for entry-level salaries and benefits of newly trained additional School Resource Officers and may be used to pay the salaries and benefits of School Resource Officers employed prior to July 1, 2013. All jurisdictions that apply must demonstrate that they have primary law enforcement authority over the school(s) identified in their application and demonstrate their inability to implement this project without state assistance. Schools or law enforcement agencies may not reduce its overall federal, state, locally funded level of sworn officers (including other School Resource Officers or other sworn officers assigned to the schools) as a result of applying for or receiving MCOPS in Schools grant funding. MCOPS in Schools funding may be used to rehire sworn officers previously employed who have been laid off for financial reasons unrelated to the availability of the MCOPS in Schools grant, but must obtain prior written approval from the State Department of Education. MCOPS in Schools funding may be used to train school resource officers. In order to be eligible for such program, each local school board desiring to participate shall apply to the State



204 Department of Education by May 31 before the beginning of the
205 applicable fiscal year on forms provided by the department. The
206 State Department of Education shall determine by July 1 of each
207 succeeding year which local school districts have submitted
208 approved applications for School Resource Officer funding.

209 (d) School Resource Officers (SROs) may serve in a
210 variety of roles, including, but not limited to, that of a law
211 enforcement officer/safety specialist, law-related educator,
212 conflict resolution/peer mediation supervisor and
213 problem-solver/community liaison. These officers may teach
214 programs such as crime prevention, substance abuse prevention, and
215 gang resistance as well as monitor and assist troubled students
216 through mentoring programs. The School Resource Officer(s) may
217 also identify physical changes in the environment that may reduce
218 crime in and around the schools, as well as assist in developing
219 school policies which address criminal activity and school safety.
220 The application must also include a Memorandum of Understanding
221 (MOU), signed by the law enforcement executive and the appropriate
222 school official(s), to document the roles and responsibilities to
223 be undertaken by the law enforcement agency and the educational
224 school partner(s) through this collaborative effort. The
225 application must also include a Narrative Addendum to document
226 that the School Resource Officer(s) will be assigned to work in
227 and around primary or secondary schools and provide supporting
228 documentation in the following areas: problem identification and



229 justification, community policing strategies to be used by the
230 officers, quality and level of commitment to the effort, and the
231 link to community policing.

232 (e) All agencies receiving awards through the MCOPS in
233 Schools program are required to send the School Resource Officer
234 position(s) funded by this grant, to the Mississippi Law
235 Enforcement Officers' Training Academy where they shall be
236 required to participate in training through the Advanced Law
237 Enforcement Rapid Response Training Program at the academy, with
238 the cost to be defrayed from the MCOPS program. The MCOPS Office
239 of the State Department of Education will reimburse grantees for
240 training, per diem, travel, and lodging costs for attendance of
241 required participants up to a maximum of One Thousand Two Hundred
242 Dollars (\$1,200.00) per person attending. Applicants receiving an
243 MCOPS in Schools grant, will receive additional training
244 information following notification of the grant award. The MCOPS
245 in Schools training requirement must be completed prior to the end
246 of twelve-month grant funding for officer positions.

247 (3) The State Department of Education shall promulgate rules
248 and regulations prescribing procedures for the application,
249 expenditure requirements and the administration of the Mississippi
250 Community Oriented Policing Services in Schools (MCOPS) program
251 established in this section, and shall make a report on the
252 implementation of the MCOPS program with any recommendations to
253 the 2020 Regular Session of the Legislature.



254 **SECTION 4.** Section 37-3-83, Mississippi Code of 1972, is
255 amended as follows:

256 37-3-83. (1) There is established within the State
257 Department of Education, using only existing staff and resources,
258 a School Safety Grant Program, available to all eligible public
259 school districts, to assist in financing programs to provide
260 school safety. However, no monies from the Temporary Assistance
261 for Needy Families grant may be used for the School Safety Grant
262 Program.

263 (2) The school board of each school district, with the
264 assistance of the State Department of Education School Safety
265 Center, shall adopt a comprehensive local school district school
266 safety plan and shall update the plan on an annual basis.

267 (3) Subject to the extent of appropriations available, the
268 School Safety Grant Program shall offer any of the following
269 specific preventive services, and other additional services
270 appropriate to the most current school district school safety
271 plan:

272 (a) Metal detectors;
273 (b) Video surveillance cameras, communications
274 equipment and monitoring equipment for classrooms, school
275 buildings, school grounds and school buses;
276 (c) Crisis management/action teams responding to school
277 violence;

(d) Violence prevention training, conflict resolution training, behavioral stress training, peer mediation training, anti-bullying training and other appropriate training designated by the State Department of Education for faculty and staff; and

(e) School safety personnel.

(4) Each local school district of this state may annually apply for school safety grant funds subject to appropriations by the Legislature. School safety grants shall include a base grant amount plus an additional amount per student in net enrollment in the school or school district. The base grant amount and amount per student shall be determined by the State Board of Education, subject to specific appropriation therefor by the Legislature. In order to be eligible for such program, each local school board desiring to participate shall apply to the State Department of Education by May 31 before the beginning of the applicable fiscal year on forms provided by the department, and shall be required to establish a local School Safety Task Force to involve members of the community in the school safety effort. The State Department of Education shall determine by July 1 of each succeeding year which local school districts have submitted approved applications for school safety grants.

(5) As part of the School Safety Grant Program, the State Department of Education may conduct a pilot program to research the feasibility of using video camera equipment in the classroom to address the following:



303 (a) Determine if video cameras in the classroom reduce
304 student disciplinary problems;

305 (b) Enable teachers to present clear and convincing
306 evidence of a student's disruptive behavior to the student, the
307 principal, the superintendent and the student's parents; and

308 (c) Enable teachers to review teaching performance and
309 receive diagnostic feedback for developmental purposes.

310 (6) Any local school district may use

311 audio/visual-monitoring equipment in classrooms, hallways,
312 buildings, grounds and buses for the purpose of monitoring school
313 disciplinary problems.

314 (7) As a component of the comprehensive local school
315 district school safety plan required under subsection (2) of this
316 section, the school board of a school district may adopt and
317 implement a policy addressing sexual abuse of children, to be
318 known as "Erin's Law Awareness." Any policy adopted under this
319 subsection may include or address, but need not be limited to, the
320 following:

321 (a) Methods for increasing teacher, student and
322 parental awareness of issues regarding sexual abuse of children,
323 including knowledge of likely warning signs indicating that a
324 child may be a victim of sexual abuse;

325 (b) Educational information for parents or guardians,
326 which may be included in the school handbook, on the warning sig



327 of a child being abused, along with any needed assistance,
328 referral or resource information;

329 (c) Training for school personnel on child sexual
330 abuse;

331 (d) Age-appropriate curriculum for students in
332 prekindergarten through fifth grade;

333 (e) Actions that a child who is a victim of sexual
334 abuse should take to obtain assistance and intervention;

335 (f) Counseling and resources available for students
336 affected by sexual abuse; and

337 (g) Emotional and educational support for a child who
338 has been abused to enable the child to be successful in school.

339 (8) As part of the school safety grant program, the State
340 Department of Education shall establish three (3) pilot programs
341 in six (6) school districts utilizing an evidence-based curriculum
342 to provide students in Grades K-5 with skills to manage stress and
343 anxiety in order for them to be better equipped to handle
344 challenges in a healthy way and build resiliency. The Mississippi
345 Department of Mental Health shall be responsible for the selection
346 of the content of the evidence-based curriculum. The results of
347 this pilot program shall be measured and reported, and such
348 results shall be used in consideration of the implementation of
349 this curriculum statewide.

350 (9) As a component of the comprehensive local school
351 district safety plan required under subsection (2) of this

352 section, beginning in the 2019-2020 school year, the State
353 Department of Education shall require local school districts to
354 conduct, every two (2) years, refresher training on mental health
355 and suicide prevention for all school employees and personnel,
356 including all cafeteria workers, custodians, teachers and
357 administrators. The Mississippi Department of Mental Health shall
358 be responsible for the development and/or selection of the content
359 of the training, which training shall be provided at no cost to
360 school employees. School districts shall report completion of the
361 training to the State Department of Education.

362 **SECTION 5.** Section 37-7-321, Mississippi Code of 1972, is
363 brought forward as follows:

364 37-7-321. (1) The school board of any school district
365 within the State of Mississippi, in its discretion, may employ one
366 or more persons as security personnel and may designate such
367 persons as peace officers in or on any property operated for
368 school purposes by such board upon their taking such oath and
369 making such bond as required of a constable of the county in which
370 the school district is situated.

371 (2) Any person employed by a school board as a security
372 guard or school resource officer or in any other position that has
373 the powers of a peace officer must receive a minimum level of
374 basic law enforcement training, as jointly determined and
375 prescribed by the Board on Law Enforcement Officer Standards and
376 Training and the State Board of Education, within two (2) years of



377 the person's initial employment in such position. Upon the
378 failure of any person employed in such position to receive the
379 required training within the designated time, the person may not
380 exercise the powers of a peace officer in or on the property of
381 the school district.

382 (3) The school board is authorized and empowered, in its
383 discretion, and subject to the approval of the Federal
384 Communications Commission, to install and operate a noncommercial
385 radio broadcasting and transmission station for educational and
386 vocational educational purposes.

387 (4) If a law enforcement officer is duly appointed to be a
388 peace officer by a school district under this section, the local
389 school board may enter into an interlocal agreement with other law
390 enforcement entities for the provision of equipment or traffic
391 control duties, however, the duty to enforce traffic regulations
392 and to enforce the laws of the state or municipality off of school
393 property lies with the local police or sheriff's department which
394 cannot withhold its services solely because of the lack of such an
395 agreement.

396 **SECTION 6.** This act shall take effect and be in force from
397 and after July 1, 2025.

