

By: Senator(s) Wilemon, Blount, Brown,
Butler, Dawkins, Dearing, Harden, Hudson,
Hyde-Smith, Jackson (15th), Jordan, Stone,
Walls, Ward

To: Education

SENATE BILL NO. 2015
(As Sent to Governor)

1 AN ACT TO PROHIBIT BULLYING OR HARASSING BEHAVIOR IN THE
2 PUBLIC SCHOOLS; TO DEFINE BULLYING OR HARASSING BEHAVIOR; TO
3 DEFINE HOSTILE ENVIRONMENT AND TO REQUIRE ALL LOCAL SCHOOL
4 DISTRICTS TO ADOPT A POLICY PROHIBITING BULLYING AND HARASSING
5 BEHAVIOR AS REQUIRED BY THIS ACT; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** (1) As used in this act, "bullying or harassing
8 behavior" is any pattern of gestures or written, electronic or
9 verbal communications, or any physical act or any threatening
10 communication, or any act reasonably perceived as being motivated
11 by any actual or perceived differentiating characteristic, that
12 takes place on school property, at any school-sponsored function,
13 or on a school bus, and that:

14 (a) Places a student or school employee in actual and
15 reasonable fear of harm to his or her person or damage to his or
16 her property; or

17 (b) Creates or is certain to create a hostile
18 environment by substantially interfering with or impairing a
19 student's educational performance, opportunities or benefits. For
20 purposes of this section, "hostile environment" means that the
21 victim subjectively views the conduct as bullying or harassing
22 behavior and the conduct is objectively severe or pervasive enough
23 that a reasonable person would agree that it is bullying or
24 harassing behavior.

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



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

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

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

38 **SECTION 2.** Before December 31, 2010, each local school
39 district shall include in its personnel policies, discipline
40 policies and code of student conduct a prohibition against
41 bullying or harassing behavior and adopt procedures for reporting,
42 investigating and addressing such behavior. The policies must
43 recognize the fundamental right of every student to take
44 reasonable actions as may be necessary to defend himself or
45 herself from an attack by another student who has evidenced
46 menacing or threatening behavior through bullying or harassing.

47 **SECTION 3.** This act shall take effect and be in force from
48 and after July 1, 2010.

