

SECOND REGULAR SESSION

HOUSE BILL NO. 1049

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES ALLEN (Sponsor) AND FLANIGAN (Co-sponsor).

4128L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 160.775, RSMo, and to enact in lieu thereof one new section relating to school safety.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 160.775, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 160.775, to read as follows:

160.775. 1. Every district shall adopt an antibullying policy by September 1, 2007.

2. "Bullying" means **discrimination**, intimidation, or harassment that causes a reasonable student to fear for his or her physical safety or property; **substantially interferes with the educational performance, opportunities, or benefits of any student without exception; or substantially disrupts the orderly operation of the school.** Bullying may consist of physical actions, including gestures, or oral, cyberbullying, electronic, or written communication, and any threat of retaliation for reporting of such acts. **Bullying is prohibited by students on school property, at any school function, or on a school bus. "Cyberbullying" is the transmission of a communication, including, but not limited to, a message, text, sound, or image by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager.**

3. Each district's antibullying policy shall be founded on the assumption that all students need a safe learning environment. Policies shall treat **all** students equally and shall not contain specific lists of protected classes of students who are to receive special treatment. Policies may include age-appropriate differences for schools based on the grade levels at the school. Each such policy shall contain a statement of the consequences of bullying.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 4. Each district's antibullying policy shall require, **at a minimum, the following**
19 **components:**

20 (1) **A statement prohibiting bullying, defined no less inclusive than that in**
21 **subsection 1 of this section;**

22 (2) **A statement requiring district employees and district students to report any**
23 **instance of bullying of which the employee or student has firsthand knowledge[. The district**
24 **policy shall address training of employees in the requirements of the district policy.] , has**
25 **observed, or has been involved in. The policy shall be included in the student handbook.**
26 **The school district administration shall notify the parents or legal guardians of the**
27 **individual alleged in the report to be responsible for the bullying incident and the parents**
28 **or legal guardians of the target of the bullying incident;**

29 (3) **A procedure for reporting an act of bullying, including a provision that permits**
30 **a person to report an act of discrimination, harassment, intimidation, or bullying**
31 **anonymously. However, this shall not be construed to permit formal disciplinary action**
32 **solely on the basis of an anonymous report;**

33 (4) **A procedure for prompt investigation of reports of serious violations and**
34 **complaints, identifying either the principal or the principal's certified staff designee as the**
35 **person responsible for the investigation;**

36 (5) **The range of ways in which a school will respond once an incident of bullying**
37 **is confirmed;**

38 (6) **A statement that prohibits reprisal or retaliation against any person who**
39 **reports an act of bullying and the consequence and appropriate remedial action for a**
40 **person who engages in reprisal or retaliation;**

41 (7) **A statement of how the policy is to be publicized;**

42 (8) **A process for discussing the district's antibullying policy with students and**
43 **training school employees and volunteers who have significant contact with students in the**
44 **requirements of the policy, including at a minimum the following statements:**

45 (a) **The policy shall be conspicuously posted throughout each school building in**
46 **areas accessible to students and staff members;**

47 (b) **The school district annually shall provide information and any appropriate**
48 **training to the school district staff regarding the policy;**

49 (c) **The school district shall give annual notice of the policy to students, parents or**
50 **guardians, and staff;**

51 (d) **The school district shall provide education and information to students**
52 **regarding bullying, including information regarding the school district policy prohibiting**

53 **bullying, the harmful effects of bullying, and other applicable initiatives to prevent**
54 **bullying;**

55 **(e) The administration of the school district shall implement programs and other**
56 **initiatives to prevent bullying, to respond to such conduct in a manner that does not**
57 **stigmatize the victim, and to make resources or referrals available to victims of bullying;**

58 **(f) The policy shall be reviewed at least annually for compliance with state and**
59 **federal law.**

60 **5. Any student alleging to be the target of an incident of bullying who has**
61 **completed all procedures required by the district's reporting policy and continues to be**
62 **subjected to bullying shall be informed by the district that he or she may seek other**
63 **remedies. The information may include but not be limited to informing the target or the**
64 **target's parents or legal guardians of the possibility of civil action against the individual**
65 **alleged to be responsible for the bullying and against the parents or legal guardians of that**
66 **individual. The target and his or her parents shall also be informed that they may request**
67 **intervention by any other county, state, or federal agency or office that is empowered to**
68 **act on behalf of the target.**

69 **6. The state board of education is authorized to promulgate rules and regulations**
70 **to implement this section and shall develop model policies to assist local school districts in**
71 **developing policies for the prevention of bullying no later than September 1, 2013. Any**
72 **rule or portion of a rule, as that term is defined in section 536.010, that is created under**
73 **the authority delegated in this section shall become effective only if it complies with and**
74 **is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This**
75 **section and chapter 536 are nonseverable and if any of the powers vested with the general**
76 **assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove**
77 **and annul a rule are subsequently held unconstitutional, then the grant of rulemaking**
78 **authority and any rule proposed or adopted after August 28, 2012, shall be invalid and**
79 **void.**

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