

FIRST REGULAR SESSION

# HOUSE BILL NO. 458

98TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE ALLEN.

0537H.011

D. ADAM CRUMBLISS, Chief Clerk

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## AN ACT

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

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*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Section A. Section 160.775, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 160.775, to read as follows: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 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 **but is not limited to** 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 bullying as defined in this subsection through 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 **be included in the student handbook and**  
19 **shall** require, **at a minimum, the following components:**

20           (1) **A statement prohibiting bullying, defined no less inclusively than in subsection**  
21 **2 of this section;**

22           (2) **A statement requiring** district employees to report any instance of bullying of which  
23 the employee has firsthand knowledge[. The district policy shall address training of employees  
24 in the requirements of the district policy.] **, has reasonable cause to suspect that a student has**  
25 **been subject to bullying, or has received a report of bullying from a student;**

26           (3) **A procedure for reporting an act of bullying;**

27           (4) **A procedure for prompt investigation of reports of violations and complaints,**  
28 **identifying one or more employees responsible for the investigation;**

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

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

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

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

38           (a) **The school district shall provide information and appropriate training to the**  
39 **school district staff who have significant contact with students regarding the policy;**

40           (b) **The school district shall give annual notice of the policy to students, parents or**  
41 **guardians, and staff;**

42           (c) **The school district shall provide education and information to students**  
43 **regarding bullying, including information regarding the school district policy prohibiting**  
44 **bullying, the harmful effects of bullying, and other applicable initiatives to prevent**  
45 **bullying;**

46           (d) **The administration of the school district shall instruct its school counselors to**  
47 **educate students who are victims of bullying on techniques for students to overcome**  
48 **bullying's negative effects. Such techniques shall include but not be limited to cultivating**  
49 **the student's self-worth and self-esteem; teaching the student to defend himself or herself**  
50 **assertively and effectively; helping the student develop social skills; and encouraging the**  
51 **student to develop an internal locus of control. The provisions of this paragraph shall not**  
52 **be construed to contradict or limit any other provision of this section; and**

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

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