

FIRST REGULAR SESSION

HOUSE BILL NO. 495

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ENGLISH.

1279L.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 cyberbullying.

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Section A. Section 160.775, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 160.775, to read as follows: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

3. Each district's antibullying policy shall be founded on the assumption that all students need a safe learning environment. Policies shall treat 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.

4. Each district's antibullying policy shall require district employees to report any instance of bullying of which the employee has firsthand knowledge. The district policy shall address training of employees in the requirements of the district policy.

5. Notwithstanding any other provision of law, any school district may subject any student to discipline for cyberbullying. The district shall have jurisdiction to prohibit cyberbullying that originates on a school's campus if the electronic communication was made using the school's technological resources or the electronic was made on the school's

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 campus using the student's own personal technological resources. The district shall have
19 jurisdiction to prohibit cyberbullying that originates off the school's campus if:

20 (1) It was reasonably foreseeable that the electronic communication would reach
21 the school's campus; or

22 (2) There is a sufficient nexus between the electronic communication and the school
23 which includes, but is not limited to, speech that is directed at a school-specific audience,
24 or the speech was brought onto or accessed on the school campus, even if it was not the
25 student in question who did so.

26 6. In determining the appropriate disciplinary action for a cyberbullying offense
27 under subsection 5 of this section, the district shall take into consideration the nature of
28 the offense, the age of the student, and the following:

29 (1) For a first-time or minor cyberbullying offense, the district may mandate that
30 the student attend counseling and education sessions;

31 (2) For a second or more serious cyberbullying offense, the district may prohibit
32 the student from participating in school activities or events;

33 (3) For a serious incident of cyberbullying, the school may suspend or expel the
34 student.

35 7. For purposes of subsections 5 and 6 of this section, "cyberbullying" means
36 bullying as defined in this section through the transmission of a communication, including,
37 but not limited to, a message, text, sound, or image by means of an electronic device,
38 including, but not limited to, a telephone, wireless telephone, or other wireless
39 communication device, computer, or pager.

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