

FIRST REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 458

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ALLEN.

0537H.01P

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Section A. Section 160.775, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 160.775, to read as follows: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

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.

16 include age-appropriate differences for schools based on the grade levels at the school. Each
17 such policy shall contain a statement of the consequences of bullying.

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 and**
47 **school psychologists to educate students who are victims of bullying on techniques for**
48 **students to overcome bullying's negative effects. Such techniques shall include but not be**
49 **limited to cultivating the student's self-worth and self-esteem; teaching the student to**
50 **defend himself or herself assertively and effectively; helping the student develop social**
51 **skills; and encouraging the student to develop an internal locus of control. The provisions**

52 of this paragraph shall not be construed to contradict or limit any other provision of this
53 section; and

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

57 5. Notwithstanding any other provision of law, any school district may subject any
58 student to discipline for cyberbullying. The district shall have jurisdiction to prohibit
59 cyberbullying that originates on a school's campus if the electronic communication was
60 made using the school's technological resources or the electronic communication was made
61 on the school's campus using the student's own personal technological resources. The
62 district shall have jurisdiction to prohibit cyberbullying that originates off the school's
63 campus if:

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

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

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

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

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

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

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