

House _____ Amendment NO. _____

Offered By

1 AMEND Senate Committee Substitute for Senate Bill No. 328, Page 1, Section A, Line 2, by
2 inserting immediately after said line and section the following:

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4 "160.775. 1. Every district shall adopt an antibullying policy by September 1, 2007.

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

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

20 4. Each district's antibullying policy shall be included in the student handbook and shall
21 require, at a minimum, the following components:

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

24 (2) A statement requiring district employees to report any instance of bullying of which the
25 employee has firsthand knowledge[. The district policy shall address training of employees in the
26 requirements of the district policy.], has reasonable cause to suspect that a student has been subject to
27 bullying, or has received a report of bullying from a student. The policy shall require a district
28 employee who witnesses an incident of bullying or has received reliable information that an incident
29 of bullying has occurred to verbally report the incident to the district's designated individual at the
30 school on the same day the employee witnessed or received the reliable information regarding the
31 incident unless extenuating circumstances prohibit the employee from reporting until the next school
32 day. The policy shall require such a district employee to report an incident of bullying in writing to
33 the district's designated individual at the school within two school days. The policy shall require that
34 the district maintain records of all incidents of bullying and their resolution. The policy shall also
35 contain a description of the format that shall be used for a written report, which shall require, at a
36 minimum, a listing of the offense and the outcome of any investigation;

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1 (3) A procedure for reporting an act of bullying. The policy shall also include a statement
2 requiring that the district designate an individual at each school in the district to receive verbal
3 reports and written reports of incidents of bullying. Such individual shall be a district employee who
4 is a school principal, school administrator, or school supervisor;

5 (4) A procedure for prompt investigation of reports of violations and complaints, identifying
6 one or more employees responsible for the investigation including, at a minimum, the following
7 requirements:

8 (a) Within one school day of a written report of an incident of bullying being received, the
9 school principal, or his or her designee, shall initiate an investigation of the incident;

10 (b) The school principal may appoint other school staff to assist with the investigation;

11 (c) The investigation shall be completed within ten school days from the date of the written
12 report;

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

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

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

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

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

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

26 (c) The school district shall provide education and information to students regarding
27 bullying, including information regarding the school district policy prohibiting bullying, the harmful
28 effects of bullying, and other applicable initiatives to prevent bullying, including student peer-to-peer
29 initiatives to provide accountability and policy enforcement for those found to have engaged in
30 bullying, reprisal, or retaliation against any person who reports an act of bullying;

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

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

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

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

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

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

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

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

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

12 7. Each district shall annually review its antibullying policy and revise it as needed. The
13 district's school board shall receive input from school personnel, students, and administrators when
14 reviewing and revising the policy.

15 8. Each district shall develop a method to keep track of any correspondence between
16 individuals and the district, or any school in the district, regarding an incident of bullying. Such
17 correspondence shall be a closed record under chapter 610.

18 9. Each district shall annually report to the department of elementary and secondary
19 education the number of confirmed reported bullying incidents in the district at the school level and
20 the district level, and any action taken in response to an incident of bullying, including but not
21 limited to expulsions and suspensions, for each school in the district. No district shall release any
22 confidential information not authorized by state or federal law for public release. The department of
23 elementary and secondary education shall post this information on its internet website within thirty
24 days of receiving it but shall ensure that no personally identifiable information is posted."; and

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26 Further amend said bill by amending the title, enacting clause, and intersectional references
27 accordingly.
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