

House _____ Amendment NO. _____

Offered By

1 AMEND Senate Committee Substitute for Senate Bill No. 224, Page 1, In the Title, Line 3, by
2 removing the words "eligibility criteria for reimbursements from the A+ schools program" and
3 inserting in lieu thereof the words "elementary and secondary education"; and
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5 Further amend said bill, Page 4, Section 160.545, Line 118, by inserting immediately after all of said
6 line and section the following:
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8 "160.775. 1. Every district shall adopt an antibullying policy by September 1, 2007.

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

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

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

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

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

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

33 (4) A procedure for prompt investigation of reports of violations and complaints, identifying

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1 one or more employees responsible for the investigation;

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

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

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

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

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

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

15 (c) The school district shall provide education and information to students regarding
16 bullying, including information regarding the school district policy prohibiting bullying, the harmful
17 effects of bullying, and other applicable initiatives to prevent bullying;

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

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

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

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

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

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

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

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

5 (3) For a serious incident of cyberbullying, the school may suspend or expel the student.";
6 and

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8 Further amend said bill, Page 4, Section B, Line 3, by inserting after the word, "semester," the
9 words, "section 160.545 of"; and

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11 Further amend said page and section, Line 6, by inserting after the first occurrence of the word,
12 "and" the words, "section 160.545 of"; and

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