

SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 458

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:

1 Section A. Section 160.775, RSMo, is repealed and one new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

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

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

1 to, a message, text, sound, or image by means of an electronic
2 device including, but not limited to, a telephone, wireless
3 telephone, or other wireless communication device, computer, or
4 pager.

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

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

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

18 (2) A statement requiring district employees to report any
19 instance of bullying of which the employee has firsthand
20 knowledge[. The district policy shall address training of
21 employees in the requirements of the district policy.], has
22 reasonable cause to suspect that a student has been subject to
23 bullying, or has received a report of bullying from a student.
24 The policy shall require a district employee who witnesses an
25 incident of bullying or has received reliable information that an
26 incident of bullying has occurred to report the incident to the
27 district's designated individual at the school within two days of
28 the employee witnessing or receiving the reliable information

1 regarding the incident. The policy shall require that the
2 district maintain records of all incidents of bullying and their
3 resolution;

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

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

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

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

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

21 (5) The range of ways in which a school will respond once
22 an incident of bullying is confirmed with disciplinary action
23 ranging from a minimum of counseling for the student to a maximum
24 of expulsion of the student based on the establishment of
25 reasonable criteria related to the severity of the actions;

26 (6) A statement that prohibits reprisal or retaliation
27 against any person who reports an act of bullying and the
28 consequence and appropriate remedial action for a person who

1 engages in reprisal or retaliation;

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

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

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

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

12 (c) The school district shall provide education and
13 information to students regarding bullying, including information
14 regarding the school district policy prohibiting bullying, the
15 harmful effects of bullying, and other applicable initiatives to
16 prevent bullying, including student peer-to-peer initiatives to
17 provide accountability and policy enforcement for those found to
18 have engaged in bullying, reprisal, or retaliation against any
19 person who reports an act of bullying;

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

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

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

8 5. Notwithstanding any other provision of law, any school
9 district may subject any student to discipline for cyberbullying.
10 A school district may discipline any student for cyberbullying to
11 the greatest extent allowed by law. The district shall have
12 jurisdiction to prohibit cyberbullying that originates on a
13 school's campus or at a district activity when the electronic
14 communication was made using the school's technological
15 resources, when there is a sufficient nexus to the educational
16 environment, or the electronic communication was made on the
17 school's campus or at a district activity using the student's own
18 personal technological resources. The district shall have
19 jurisdiction to prohibit cyberbullying that originates off the
20 school's campus if:

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

23 (2) There is a sufficient nexus between the electronic
24 communication and the school which includes, but is not limited
25 to, speech that is directed at a school-specific audience, or the
26 speech was brought onto or accessed on the school campus, even if
27 it was not the student in question who did so. The district may
28 also prohibit cyberbullying that occurs outside of the district

1 to the greatest extent allowed by law, including, but not limited
2 to, situations where the cyberbullying negatively impacts the
3 educational environment or constitutes a true threat. Even in
4 situations where the district does not have legal authority to
5 discipline a student, the district may contact law enforcement
6 and take other appropriate actions to protect students and
7 clarify district expectations.

8 6. Each district shall annually review its antibullying
9 policy and revise it as needed. The district's school board
10 shall receive input from school personnel and administrators when
11 reviewing and revising the policy.

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

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