

HOUSE SUBSTITUTE AMENDMENT NO. \_\_\_\_\_

for

HOUSE \_\_\_\_\_ AMENDMENT NO. \_\_\_\_\_

Offered By

1 AMEND House Bill No. 1611, Page 1, In the Title, Lines 2-3, by deleting the words "the  
2 establishment of developmental guidance and counseling programs in schools" and inserting in lieu  
3 thereof the words "student safety"; and

4  
5 Further amend said bill and page, Section A, Line 2, by inserting after all of said section and line  
6 the following:

7  
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 by students is prohibited on school property, at any school  
15 function, or on a school bus. "Cyberbullying" means bullying as defined in this subsection through  
16 the transmission of a communication including, but not limited to, a message, text, sound, or image  
17 by means of an electronic device including, but not limited to, a telephone, wireless telephone, or  
18 other 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  
31 to bullying, or has received a report of bullying from a student. The policy shall require a district  
32 employee who witnesses an incident of bullying or has received reliable information that an incident

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1 of bullying has occurred to report the incident to the district's designated individual at the school  
2 within two days of the employee witnessing or receiving the reliable information regarding the  
3 incident. The policy shall require that the district maintain records of all incidents of bullying and  
4 their resolution;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

47 5. Notwithstanding any other provision of law to the contrary, any school district may  
48 subject any student to discipline for cyberbullying. A school district may discipline any student for

1 cyberbullying to the greatest extent allowed by law. The district shall have jurisdiction to prohibit  
 2 cyberbullying that originates on a school's campus or at a district activity if the electronic  
 3 communication was made using the school's technological resources, if there is a sufficient nexus to  
 4 the educational environment, or if the electronic communication was made on the school's campus  
 5 or at a district activity using the student's own personal technological resources. The district shall  
 6 have jurisdiction to prohibit cyberbullying that originates off the school's campus if:

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

9 (2) There is a sufficient nexus between the electronic communication and the school that  
 10 includes, but is not limited to, speech that is directed at a school-specific audience, or the speech  
 11 was brought onto or accessed on the school campus, even if it was not the student in question who  
 12 did so. The district may also prohibit cyberbullying that occurs outside of the district to the greatest  
 13 extent allowed by law including, but not limited to, situations in which the cyberbullying negatively  
 14 impacts the educational environment or constitutes a true threat. Even in situations where the  
 15 district does not have legal authority to discipline a student, the district may contact law  
 16 enforcement and take other appropriate actions to protect students and clarify district expectations.

17 6. Each district shall annually review its antibullying policy and revise it as needed. The  
 18 district's school board shall receive input from school personnel, students, and administrators when  
 19 reviewing and revising the policy.

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

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

30 9. Notwithstanding the provisions of this section, so long as a school district has an  
 31 antibullying policy or policies which were in effect before August 28, 2016, a school district shall  
 32 not be required to implement or adhere to subsections 2 through 8 of this section. No changes shall  
 33 be made to a district's antibullying policy or policies unless the local school board of the district  
 34 approves such changes through a majority vote of the board."; and

35  
 36 Further amend said bill, Page 2, Section 167.266, Line 19, by inserting after all of said line and  
 37 section the following:

38  
 39 "170.047. 1. Beginning in the 2017-18 school year, any licensed educator may annually  
 40 complete up to two hours of training or professional development in youth suicide awareness and  
 41 prevention as part of the professional development hours required for state board of education  
 42 certification.

43 2. The department of elementary and secondary education shall develop guidelines suitable  
 44 for training or professional development in youth suicide awareness and prevention. The  
 45 department shall develop materials that may be used for such training or professional development.

46 3. For purposes of this section, the term "licensed educator" means any teacher with a  
 47 certificate of license to teach issued by the state board of education or any other educator or  
 48 administrator required to maintain a professional license issued by the state board of education.

1           4. The department of elementary and secondary education may promulgate rules and  
2 regulations to implement this section.

3           5. Any rule or portion of a rule, as that term is defined in section 536.010, that is created  
4 under the authority delegated in this section shall become effective only if it complies with and is  
5 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and  
6 chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to  
7 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently  
8 held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after  
9 August 28, 2016, shall be invalid and void.

10           170.048. 1. By July 1, 2018, each district shall adopt a policy for youth suicide awareness  
11 and prevention, including the training and education of district employees.

12           2. Each district's policy shall address, but need not be limited to, the following:

13           (1) Strategies that can help identify students who are at possible risk of suicide;

14           (2) Strategies and protocols for helping students at possible risk of suicide; and

15           (3) Protocols for responding to a suicide death.

16           3. By July 1, 2017, the department of elementary and secondary education shall develop a  
17 model policy that districts may adopt. When developing the model policy, the department shall  
18 cooperate, consult with, and seek input from organizations that have expertise in youth suicide  
19 awareness and prevention. By July 1, 2021, and at least every three years thereafter, the department  
20 shall request information and seek feedback from districts on their experience with the policy for  
21 youth suicide awareness and prevention. The department shall review this information and may use  
22 it to adapt the department's model policy. The department shall post any information on its website  
23 that it has received from districts that it deems relevant. The department shall not post any  
24 confidential information or any information that personally identifies any student or school  
25 employee."; and

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

29  
30 This amendment is a substitute for Amendment No. 5408H02.20H