

SECOND REGULAR SESSION

HOUSE BILL NO. 1583

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ALLEN.

4821H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 160.775, RSMo, and to enact in lieu thereof three new sections relating to student safety.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 160.775, RSMo, is repealed and three new sections enacted in lieu thereof, to be known as sections 160.775, 170.047, and 170.048, to read as follows: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 by students is prohibited on school property, at any school function, or on a school bus. "Cyberbullying" means 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 include age-appropriate differences for schools based on the grade levels at the school. Each such policy shall contain a statement of the consequences of bullying.

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.

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. The policy**
26 **shall require a district employee who witnesses an incident of bullying or has received**
27 **reliable information that an incident of bullying has occurred to report the incident to the**
28 **district's designated individual at the school within two days of the employee witnessing**
29 **or receiving the reliable information regarding the incident. The policy shall require that**
30 **the district maintain records of all incidents of bullying and their resolution;**

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

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

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

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

42 (c) **The investigation shall be completed within ten school days from the date of the**
43 **written report;**

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

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

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

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

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

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

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

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

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

76 **5. Notwithstanding any other provision of law to the contrary, any school district**
77 **may subject any student to discipline for cyberbullying. A school district may discipline**
78 **any student for cyberbullying to the greatest extent allowed by law. The district shall have**
79 **jurisdiction to prohibit cyberbullying that originates on a school's campus or at a district**
80 **activity if the electronic communication was made using the school's technological**
81 **resources, if there is a sufficient nexus to the educational environment, or if the electronic**
82 **communication was made on the school's campus or at a district activity using the**
83 **student's own personal technological resources. The district shall have jurisdiction to**
84 **prohibit cyberbullying that originates off the school's campus if:**

85 **(1) It was reasonably foreseeable that the electronic communication would reach**
86 **the school's campus; or**

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

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

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

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

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

5 **2. The department of elementary and secondary education shall develop guidelines**
6 **suitable for training or professional development in youth suicide awareness and**
7 **prevention. The department shall develop materials that may be used for such training or**
8 **professional development.**

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

13 **4. The department of elementary and secondary education may promulgate rules**
14 **and regulations to implement this section.**

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

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

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

- 4 **(1) Strategies that can help identify students who are at possible risk of suicide;**
5 **(2) Strategies and protocols for helping students at possible risk of suicide; and**
6 **(3) Protocols for responding to a suicide death.**

7 **3. By July 1, 2017, the department of elementary and secondary education shall**
8 **develop a model policy that districts may adopt. When developing the model policy, the**
9 **department shall cooperate, consult with, and seek input from organizations that have**
10 **expertise in youth suicide awareness and prevention. By July 1, 2021, and at least every**
11 **three years thereafter, the department shall request information and seek feedback from**
12 **districts on their experience with the policy for youth suicide awareness and prevention.**
13 **The department shall review this information and may use it to adapt the department's**
14 **model policy. The department shall post any information on its website that it has received**
15 **from districts that it deems relevant. The department shall not post any confidential**
16 **information or any information that personally identifies any student or school employee.**

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