

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1583
98TH GENERAL ASSEMBLY

4821S.04T

2016

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Section A. Section 160.775, RSMo, is repealed and three new sections enacted in lieu thereof, to be known as sections 160.775, 170.047, and 170.048, to read as follows: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, **unwanted aggressive behavior**, or harassment that **is repetitive or is substantially likely to be repeated and** 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 physical actions, including gestures, or oral, cyberbullying, electronic, or written communication, and any threat of retaliation for reporting of such acts. **Bullying of 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

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.

16 specific lists of protected classes of students who are to receive special treatment. Policies may
17 include age-appropriate differences for schools based on the grade levels at the school. Each
18 such policy shall contain a statement of the consequences of bullying.

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

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

23 (2) **A statement requiring** district employees to report any instance of bullying of which
24 the employee has firsthand knowledge[. The district policy shall address training of employees
25 in the requirements of the district policy]. **The policy shall require a district employee who**
26 **witnesses an incident of bullying to report the incident to the district's designated**
27 **individual at the school within two school days of the employee witnessing the incident;**

28 (3) **A procedure for reporting an act of bullying. The policy shall also include a**
29 **statement requiring that the district designate an individual at each school in the district**
30 **to receive reports of incidents of bullying. Such individual shall be a district employee who**
31 **is teacher level staff or above;**

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

35 (a) **Within two school days of a report of an incident of bullying being received, the**
36 **school principal, or his or her designee, shall initiate an investigation of the incident;**

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

39 (c) **The investigation shall be completed within ten school days from the date of the**
40 **written report unless good cause exists to extend the investigation;**

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

44 (6) **A statement of how the policy is to be publicized; and**

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

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

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

52 (c) The school district shall provide education and information to students
53 regarding bullying, including information regarding the school district policy prohibiting
54 bullying, the harmful effects of bullying, and other applicable initiatives to address
55 bullying, including student peer-to-peer initiatives to provide accountability and policy
56 enforcement for those found to have engaged in bullying, reprisal, or retaliation against
57 any person who reports an act of bullying;

58 (d) The administration of the school district shall instruct its school counselors,
59 school social workers, licensed social workers, mental health professionals, and school
60 psychologists to educate students who are victims of bullying on techniques for students
61 to overcome bullying's negative effects. Such techniques shall include, but not be limited
62 to, cultivating the student's self-worth and self-esteem; teaching the student to defend
63 himself or herself assertively and effectively; helping the student develop social skills; or
64 encouraging the student to develop an internal locus of control. The provisions of this
65 paragraph shall not be construed to contradict or limit any other provision of this section;
66 and

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

70 5. Notwithstanding any other provision of law to the contrary, any school district
71 shall have jurisdiction to prohibit cyberbullying that originates on a school's campus or at
72 a district activity if the electronic communication was made using the school's technological
73 resources, if there is a sufficient nexus to the educational environment, or if the electronic
74 communication was made on the school's campus or at a district activity using the
75 student's own personal technological resources. The school district may discipline any
76 student for such cyberbullying to the greatest extent allowed by law.

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

170.047. 1. Beginning in the 2017-2018 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" shall refer to any
10 teacher with a certificate of license to teach issued by the state board of education or any

11 other educator or administrator required to maintain a professional license issued by the
12 state 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 plans for how the district will provide for the training**
3 **and education of its district employees.**

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

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

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

7 **(3) Protocols for responding to a suicide death.**

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

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