

FIRST REGULAR SESSION

# SENATE BILL NO. 161

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR NASHEED.

Pre-filed December 17, 2014, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0608S.02I

## AN ACT

To repeal section 160.775, RSMo, and to enact in lieu thereof two new sections relating to school district procedures.

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

Section A. Section 160.775, RSMo, is repealed and two new sections  
2 enacted in lieu thereof, to be known as sections 160.775 and 167.730, to read as  
3 follows:

160.775. 1. Every district shall adopt an antibullying policy by September  
2 1, 2007.

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

17 3. Each district's antibullying policy shall be founded on the assumption  
18 that all students need a safe learning environment. Policies shall treat **all**

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

19 students equally and shall not contain specific lists of protected classes of  
20 students who are to receive special treatment. Policies may include  
21 age-appropriate differences for schools based on the grade levels at the  
22 school. Each such policy shall contain a statement of the consequences of  
23 bullying.

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

27 **(1) A statement prohibiting bullying, defined no less inclusive**  
28 **than that in subsection 1 of this section;**

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

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

35 **(4) A procedure for prompt investigation of reports of violations**  
36 **and complaints, identifying one or more employees responsible for the**  
37 **investigation;**

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

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

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

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

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

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

54 **(c) The school district shall provide education and information**  
55 **to students regarding bullying, including information regarding the**

56 school district policy prohibiting bullying, the harmful effects of  
57 bullying, and other applicable initiatives to prevent bullying;

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

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

167.730. 1. Beginning July 1, 2016, every public school in the  
2 metropolitan school district or in any urban school district containing  
3 most or all of a home rule city with more than four hundred thousand  
4 inhabitants and located in more than one county, including charter  
5 schools, shall incorporate a response-to-intervention tiered approach  
6 to reading instruction to focus resources on students who are  
7 determined by their school to need additional or changed instruction  
8 to make progress as readers. At a minimum, the reading levels of  
9 students in kindergarten through tenth grade shall be assessed at the  
10 beginning and middle of the school year, and students who score below  
11 district benchmarks shall be provided with intensive, systematic  
12 reading instruction.

13 2. Beginning January 1, 2016, and every January first thereafter,  
14 every public school in the metropolitan school district or in any urban  
15 school district containing most or all of a home rule city with more  
16 than four hundred thousand inhabitants and located in more than one  
17 county, including charter schools, shall prepare a personalized learning  
18 plan for any kindergarten or first grade student whose most recent  
19 school-wide reading assessment result shows the student is working  
20 below grade level unless the student has been determined by other  
21 means in the current school year to be working at grade level or  
22 above. The provisions of this section shall not apply to students

23 otherwise served under an individualized education program, to  
24 students receiving services through a plan prepared under Section 504  
25 of the Rehabilitation Act of 1973 that includes an element addressing  
26 reading below grade level, or to students determined to have limited  
27 English proficiency.

28       3. For any student in a metropolitan school district or in any  
29 urban school district containing most or all of a home rule city with  
30 more than four hundred thousand inhabitants and located in more than  
31 one county that is required by this section to have a personalized  
32 learning plan, the student's main teacher shall consult with the  
33 student's parent or guardian during the preparation of the plan and  
34 shall consult, as appropriate, any district personnel or department of  
35 elementary and secondary education personnel with necessary  
36 expertise to develop such a plan. The school shall require the written  
37 consent of the parent or guardian to implement the plan; however, if  
38 the school is unsuccessful in contacting the parent or guardian by  
39 January fifteenth, the school may send a letter by certified mail to the  
40 student's last known address stating its intention to implement the plan  
41 by February first.

42       4. After implementing the personalized learning plan through the  
43 end of the student's first grade year, the school shall refer any student  
44 who still performs below grade level for assessment to determine if an  
45 individualized education program is necessary for the student. A  
46 student who is assessed as not needing an individualized education  
47 program but who is reading below grade level at the end of the first  
48 grade shall continue to be required to have a personalized learning  
49 plan until the student is reading at grade level.

50       5. Notwithstanding any provision of law to the contrary, any  
51 student in a metropolitan or in any urban school district containing  
52 most or all of a home rule city with more than four hundred thousand  
53 inhabitants and located in more than one county who is not reading at  
54 second-grade level by the end of second grade may be promoted to the  
55 third grade only under one of the following circumstances:

56       (1) The school provides additional reading instruction during the  
57 summer and demonstrates the student has the abilities and the  
58 knowledge to successfully learn in third grade at the end of the summer  
59 school;

60           **(2) The school provides a combined classroom in which the**  
61 **student continues with the same teacher, sometimes referred to as**  
62 **"looping". If the student in such a classroom is not reading at third-**  
63 **grade level by the end of third grade, the student shall be retained in**  
64 **third grade; or**

65           **(3) The student's parents or guardians have signed a notice that**  
66 **they prefer to have their student promoted although the student is**  
67 **reading below grade level. The school shall have the final**  
68 **determination on the issue of retention.**

69           **6. The metropolitan school district, any urban school district**  
70 **containing most or all of a home rule city with more than four hundred**  
71 **thousand inhabitants and located in more than one county, and each**  
72 **charter school located in such districts shall provide in its annual**  
73 **report card under section 160.522 the numbers and percentages by**  
74 **grade from first grade to tenth grade in each school of any students at**  
75 **any grade level who have been promoted who have been determined as**  
76 **reading below grade level, except that no reporting shall permit the**  
77 **identification of an individual student.**

78           **7. School districts and charter schools under this section may**  
79 **provide for a student promotion and retention program and a reading**  
80 **instruction program that are equivalent to those which are described**  
81 **in this section with the oversight and approval of the department of**  
82 **elementary and secondary education.**

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