

FIRST REGULAR SESSION

# SENATE BILL NO. 240

96TH GENERAL ASSEMBLY

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INTRODUCED BY SENATORS JUSTUS, KEAVENY, WRIGHT-JONES AND GREEN.

Read 1st time February 9, 2011, and ordered printed.

TERRY L. SPIELER, Secretary.

0438S.011

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## AN ACT

To repeal section 160.775, RSMo, and to enact in lieu thereof one new section relating to school safety.

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

Section A. Section 160.775, RSMo, is repealed and one new section  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

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

3 2. "Bullying" means **discrimination**, intimidation, or harassment that  
4 causes a reasonable student to fear for his or her physical safety or property;  
5 **substantially interferes with a student's educational performance,**  
6 **opportunities, or benefits; or substantially disrupts the orderly**  
7 **operation of the school.** Bullying may consist of physical actions, including  
8 gestures, or oral, cyberbullying, electronic, or written communication, and any  
9 threat of retaliation for reporting of such acts. **Bullying is prohibited by**  
10 **school employees or students on school property, at any school**  
11 **function, or on a school bus.**

12 3. Each district's antibullying policy shall be founded on the assumption  
13 that all students need a safe learning environment. [Policies shall treat students  
14 equally and shall not contain specific lists of protected classes of students who are  
15 to receive special treatment.] **Bullying that is reasonably perceived as**  
16 **being motivated by actual or perceived race, color, religion, ancestry,**  
17 **national origin, gender, sexual orientation as defined in section 557.035,**  
18 **intellectual ability, physical appearance, or a mental, physical or**  
19 **sensory disability or disorder; or on the basis of association with others**

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

20 **identified by these categories; is prohibited.** 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. A school employee, student, or volunteer who has witnessed or**  
25 **has reliable information that a student or school employee has been**  
26 **subject to discrimination or harassment shall report the incident to the**  
27 **appropriate school official.**

28 **5. Each district's antibullying policy shall require, at a minimum, the**  
29 **following components:**

30 **(1) A statement prohibiting bullying, defined no less inclusive**  
31 **than that in subsection 2 of this section;**

32 **(2) A statement requiring** district employees to report any instance of  
33 bullying of which the employee has **reliable information or** firsthand  
34 knowledge[. The district policy shall address training of employees in the  
35 requirements of the district policy];

36 **(3) A procedure for reporting an act of bullying, including a**  
37 **provision that permits a person to report an act of discrimination,**  
38 **harassment, intimidation, or bullying anonymously. However, this shall**  
39 **not be construed to permit formal disciplinary action solely on the**  
40 **basis of an anonymous report;**

41 **(4) A procedure for prompt investigation of reports of serious**  
42 **violations and complaints, identifying either the principal or the**  
43 **principal's designee as the person responsible for the investigation;**

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

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

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

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

55 **(a) The policy shall be conspicuously posted throughout each**  
56 **school building in areas accessible to students and staff members;**

57           **(b) The school district annually shall provide information and**  
58 **any appropriate training to the school district staff regarding the**  
59 **policy;**

60           **(c) The school district shall give annual notice of the policy to**  
61 **students, parents or guardians, and staff;**

62           **(d) The school district shall provide education and information**  
63 **to students regarding bullying, including information regarding the**  
64 **school district policy prohibiting bullying, the harmful effects of**  
65 **bullying, and other applicable initiatives to prevent bullying;**

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

70           **(f) The school district may implement violence prevention and**  
71 **character development education programs to prevent and reduce**  
72 **policy violations. Such programs may offer instruction on character**  
73 **education including, but not limited to, character qualities such as**  
74 **attentiveness, truthfulness, respect for authority, diligence,**  
75 **gratefulness, self-discipline, patience, forgiveness, respect for others,**  
76 **peacemaking, and resourcefulness;**

77           **(g) The policy shall be reviewed at least annually for compliance**  
78 **with state and federal law;**

79           **(9) A procedure for implementing and maintaining annual**  
80 **confidential surveys of students and school employees that measure**  
81 **their perception and experiences of harassment and discrimination on**  
82 **the basis of actual or perceived race, color, religion, ancestry, national**  
83 **origin, gender, gender identity or expression, sexual orientation, or a**  
84 **mental, physical, or sensory disability, or on the basis of association**  
85 **with an individual who falls into one of the protected categories.**

86           **6. The state board of education is authorized to promulgate rules**  
87 **and regulations to implement this section and shall develop model**  
88 **policies to assist local school districts in developing policies for the**  
89 **prevention of bullying no later than September 1, 2012. Any rule or**  
90 **portion of a rule, as that term is defined in section 536.010, that is**  
91 **created under the authority delegated in this section shall become**  
92 **effective only if it complies with and is subject to all of the provisions**  
93 **of chapter 536 and, if applicable, section 536.028. This section and**

94 chapter 536 are nonseverable and if any of the powers vested with the  
95 general assembly pursuant to chapter 536 to review, to delay the  
96 effective date, or to disapprove and annul a rule are subsequently held  
97 unconstitutional, then the grant of rulemaking authority and any rule  
98 proposed or adopted after August 28, 2011, shall be invalid and void.

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Unofficial

Bill

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