

FIRST REGULAR SESSION

SENATE BILL NO. 440

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATORS SIFTON, SCHUPP, KEAVENY, HOLSMAN,
CHAPPELLE-NADAL, NASHEED, CURLS, WALSH AND LeVOTA.

Read 1st time February 12, 2015, and ordered printed.

ADRIANE D. CROUSE, Secretary.

2121S.011

AN ACT

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

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Section A. Section 160.775, RSMo, is repealed and one new section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 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 to**
8 physical actions, including gestures, or oral, cyberbullying, electronic, or written
9 communication, and any threat of retaliation for reporting of such acts. **Bullying**
10 **is prohibited by students on school property, at any school function, or**
11 **on a school bus. "Cyberbullying" is bullying through the transmission**
12 **of a communication, including, but not limited to, a message, text,**
13 **sound, or image by means of an electronic device, including, but not**
14 **limited to, a telephone, wireless telephone, or other wireless**
15 **communication device, computer, or pager.**

16 3. Each district's antibullying policy shall be founded on the assumption
17 that all students need a safe learning environment. Policies shall treat **all**
18 students equally [and shall not contain specific lists of protected classes of
19 students who are to receive special treatment]. Policies may include

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

20 age-appropriate differences for schools based on the grade levels at the
21 school. Each such policy shall contain a statement of the consequences of
22 bullying.

23 4. Each district's antibullying policy shall require, **at a minimum, the**
24 **following components:**

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

27 (2) **A statement requiring** district employees to report any instance of
28 bullying of which the employee has firsthand knowledge[. The district policy
29 shall address training of employees in the requirements of the district policy],
30 **has reasonable cause to suspect that a student has been subject to**
31 **bullying, or has received a report of bullying from a student. The**
32 **policy shall be included in the student handbook. The school district**
33 **administration shall notify the parents or legal guardians of the**
34 **individual alleged in the report to be responsible for the bullying**
35 **incident and the parents or legal guardians of the target of the bullying**
36 **incident;**

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

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

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

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

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

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

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

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

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

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

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

72 (f) The policy shall be reviewed at least annually for compliance
73 with state and federal law.

74 5. Any student alleging to be the target of an incident of bullying
75 who has completed all procedures required by the district's reporting
76 policy and continues to be subjected to bullying shall be informed by
77 the district that he or she may seek other remedies. The information
78 may include but not be limited to informing the target or the target's
79 parents or legal guardians of the possibility of civil action against the
80 individual alleged to be responsible for the bullying and against the
81 parents or legal guardians of that individual. The target and his or her
82 parents shall also be informed that they may request intervention by
83 any other county, state, or federal agency or office that is empowered
84 to act on behalf of the target.

85 6. The state board of education is authorized to promulgate rules
86 and regulations to implement this section and shall develop model
87 policies to assist local school districts in developing policies for the
88 prevention of bullying no later than September 1, 2016. Any rule or
89 portion of a rule, as that term is defined in section 536.010, that is
90 created under the authority delegated in this section shall become
91 effective only if it complies with and is subject to all of the provisions
92 of chapter 536 and, if applicable, section 536.028. This section and
93 chapter 536 are nonseverable and if any of the powers vested with the

94 **general assembly pursuant to chapter 536 to review, to delay the**
95 **effective date, or to disapprove and annul a rule are subsequently held**
96 **unconstitutional, then the grant of rulemaking authority and any rule**
97 **proposed or adopted after August 28, 2015, shall be invalid and void.**

✓

Unofficial

Bill

Copy