

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 458
98TH GENERAL ASSEMBLY

Reported from the Committee on Education, April 16, 2015, with recommendation that the Senate Committee Substitute do pass.

0537S.03C

ADRIANE D. CROUSE, Secretary.

AN ACT

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

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Section A. Section 160.775, RSMo, is repealed and one new section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 as defined in this**
12 **subsection through the transmission of a communication including, but**
13 **not limited to, a message, text, sound, or image by means of an**
14 **electronic device including, but not limited to, a telephone, wireless**
15 **telephone, or other wireless 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 **be included in the student**
24 **handbook and shall require, at a minimum, the following components:**

25 (1) **A statement prohibiting bullying, defined no less inclusively**
26 **than 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 require a district employee who witnesses an incident of**
33 **bullying or has received reliable information that an incident of**
34 **bullying has occurred to verbally report the incident to the district's**
35 **designated individual at the school on the same day the employee**
36 **witnessed or received the reliable information regarding the incident**
37 **unless extenuating circumstances prohibit the employee from reporting**
38 **until the next school day. The policy shall require such a district**
39 **employee to report an incident of bullying in writing to the district's**
40 **designated individual at the school within two school days. The policy**
41 **shall require that the district maintain records of all incidents of**
42 **bullying and their resolution. The policy shall also contain a**
43 **description of the format that shall be used for a written report, which**
44 **shall require, at a minimum, a listing of the offense and the outcome of**
45 **any investigation;**

46 (3) **A procedure for reporting an act of bullying. The policy shall**
47 **also include a statement requiring that the district designate an**
48 **individual at each school in the district to receive verbal reports and**
49 **written reports of incidents of bullying. Such individual shall be a**
50 **district employee who is a school principal, school administrator, or**
51 **school supervisor;**

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

55 (a) **Within one school day of a written report of an incident of**
56 **bullying being received, the school principal, or his or her designee,**

57 shall initiate an investigation of the incident;

58 (b) The school principal may appoint other school staff to assist
59 with the investigation;

60 (c) The investigation shall be completed within ten school days
61 from the date of the written report;

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

64 (6) A statement that prohibits reprisal or retaliation against any
65 person who reports an act of bullying and the consequence and
66 appropriate remedial action for a person who engages in reprisal or
67 retaliation;

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

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

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

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

78 (c) The school district shall provide education and information
79 to students regarding bullying, including information regarding the
80 school district policy prohibiting bullying, the harmful effects of
81 bullying, and other applicable initiatives to prevent bullying, including
82 student peer-to-peer initiatives to provide accountability and policy
83 enforcement for those found to have engaged in bullying, reprisal, or
84 retaliation against any person who reports an act of bullying;

85 (d) The administration of the school district shall instruct its
86 school counselors and school psychologists to educate students who are
87 victims of bullying on techniques for students to overcome bullying's
88 negative effects. Such techniques shall include but not be limited to
89 cultivating the student's self-worth and self-esteem; teaching the
90 student to defend himself or herself assertively and effectively; helping
91 the student develop social skills; and encouraging the student to
92 develop an internal locus of control. The provisions of this paragraph
93 shall not be construed to contradict or limit any other provision of this

94 section; and

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

99 5. Notwithstanding any other provision of law, any school
100 district may subject any student to discipline for cyberbullying. The
101 district shall have jurisdiction to prohibit cyberbullying that originates
102 on a school's campus if the electronic communication was made using
103 the school's technological resources or the electronic communication
104 was made on the school's campus using the student's own personal
105 technological resources. The district shall have jurisdiction to prohibit
106 cyberbullying that originates off the school's campus if:

107 (1) It was reasonably foreseeable that the electronic
108 communication would reach the school's campus; or

109 (2) There is a sufficient nexus between the electronic
110 communication and the school which includes, but is not limited to,
111 speech that is directed at a school-specific audience, or the speech was
112 brought onto or accessed on the school campus, even if it was not the
113 student in question who did so.

114 6. In determining the appropriate disciplinary action for a
115 cyberbullying offense under subsection 5 of this section, the district
116 shall take into consideration the nature of the offense, the age of the
117 student, and the following:

118 (1) For a first-time or minor cyberbullying offense, the district
119 may mandate that the student attend counseling and education
120 sessions;

121 (2) For a second or more serious cyberbullying offense, the
122 district may prohibit the student from participating in school activities
123 or events;

124 (3) For a serious incident of cyberbullying, the school may
125 suspend or expel the student.

126 7. Each district shall annually review its antibullying policy and
127 revise it as needed. The district's school board shall receive input from
128 school personnel and administrators when reviewing and revising the
129 policy.

130 8. Each district shall develop a method to keep track of any

131 correspondence between individuals and the district, or any school in
132 the district, regarding an incident of bullying. Such correspondence
133 shall be a closed record under chapter 610.

134 9. Each district shall annually report to the department of
135 elementary and secondary education the number of confirmed reported
136 bullying incidents in the district at the school level and the district
137 level, and any action taken in response to an incident of bullying,
138 including but not limited to expulsions and suspensions, for each school
139 in the district. No district shall release any confidential information
140 not authorized by state or federal law for public release. The
141 department of elementary and secondary education shall post this
142 information on its internet website within thirty days of receiving it
143 but shall ensure that no personally identifiable information is posted.

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Bill

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