

SECOND REGULAR SESSION

SENATE BILL NO. 1029

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHUPP.

Read 1st time February 4, 2016, and ordered printed.

ADRIANE D. CROUSE, Secretary.

6159S.02I

AN ACT

To repeal section 160.775, RSMo, and to enact in lieu thereof six 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Section A. Section 160.775, RSMo, is repealed and six new sections
2 enacted in lieu thereof, to be known as sections 9.154, 160.775, 170.047, 170.048,
3 191.594, and 191.596, to read as follows:

9.154. 1. August 28, 2016, and thereafter the date designated by
2 **the show-me compassionate medical education research project**
3 **committee established in section 191.596, shall be designated as "Show-**
4 **Me Compassionate Medical Education Day" in Missouri. The citizens of**
5 **the state of Missouri are encouraged to participate in appropriate**
6 **activities and events to increase awareness regarding medical**
7 **education, medical student well-being, and measures that have been**
8 **shown to be effective, are currently being evaluated for effectiveness,**
9 **and are being proposed for effectiveness in positively impacting**
10 **medical student well-being and education.**

11 **2. The director of the department of mental health shall notify**
12 **the revisor of statutes of the date selected by the show-me**
13 **compassionate medical education research project committee for the**
14 **show-me compassionate medical education day.**

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**

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

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 **by students is prohibited on school property, at any school function, or**
11 **on a school bus. "Cyberbullying" means 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
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 report the incident to the district's designated**
35 **individual at the school within two days of the employee witnessing or**
36 **receiving the reliable information regarding the incident. The policy**
37 **shall require that the district maintain records of all incidents of**
38 **bullying and their resolution;**

39 (3) **A procedure for reporting an act of bullying. The policy shall**
40 **also include a statement requiring that the district designate an**

41 individual at each school in the district to receive reports of incidents
42 of bullying. Such individual shall be a district employee who is a
43 school principal, school administrator, or school supervisor;

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

47 (a) Within one school day of a report of an incident of bullying
48 being received, the school principal, or his or her designee, shall
49 initiate an investigation of the incident;

50 (b) The school principal may appoint other school staff to assist
51 with the investigation; and

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

54 (5) A range of ways in which a school may respond once an
55 incident of bullying is confirmed which shall be based on the
56 establishment of reasonable criteria related to the severity of the
57 actions;

58 (6) A statement that prohibits reprisal or retaliation against any
59 person who reports an act of bullying, including a statement that a
60 person who engages in reprisal or retaliation shall incur disciplinary
61 action;

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

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

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

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

72 (c) The school district shall provide education and information
73 to students regarding bullying, including information regarding the
74 school district policy prohibiting bullying, the harmful effects of
75 bullying, and other applicable initiatives to prevent bullying, including
76 student peer-to-peer initiatives to provide accountability and policy
77 enforcement for those found to have engaged in bullying, reprisal, or

78 retaliation against any person who reports an act of bullying;

79 (d) The administration of the school district shall instruct its
80 school counselors and school psychologists to provide support to
81 students who are victims of bullying in order to help students to
82 overcome bullying's negative effects; and

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

87 5. Notwithstanding any other provision of law to the contrary,
88 any school district may subject any student to discipline for
89 cyberbullying. A school district may discipline any student for
90 cyberbullying to the greatest extent allowed by law. The district shall
91 have jurisdiction to prohibit cyberbullying that originates on a school's
92 campus or at a district activity if the electronic communication was
93 made using the school's technological resources, if there is a sufficient
94 nexus to the educational environment, or if the electronic
95 communication was made on the school's campus or at a district
96 activity using the student's own personal technological resources. The
97 district shall have jurisdiction to prohibit cyberbullying that originates
98 off the school's campus if:

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

101 (2) There is a sufficient nexus between the electronic
102 communication and the school that includes, but is not limited to,
103 speech that is directed at a school-specific audience, or the speech was
104 brought onto or accessed on the school campus, even if it was not the
105 student in question who did so. The district may also prohibit
106 cyberbullying that occurs outside of the district to the greatest extent
107 allowed by law including, but not limited to, situations in which the
108 cyberbullying negatively impacts the educational environment or
109 constitutes a true threat. Even in situations where the district does not
110 have legal authority to discipline a student, the district may contact
111 law enforcement and take other appropriate actions to protect students
112 and clarify district expectations.

113 6. Each district shall annually review its antibullying policy and
114 revise it as needed. The district's school board shall receive input from

115 school personnel, students, and administrators when reviewing and
116 revising the policy.

117 7. Each district shall develop a method to keep track of any
118 correspondence between individuals and the district or any school in
119 the district regarding an incident of bullying. Such correspondence
120 shall be a closed record under chapter 610.

121 8. Each district shall annually report to the department of
122 elementary and secondary education the number of confirmed reported
123 bullying incidents in the district at the school level and the district
124 level and any action taken in response to an incident of bullying
125 including, but not limited to, expulsions and suspensions for each
126 school in the district. No district shall release any confidential
127 information not authorized by state or federal law for public
128 release. The department of elementary and secondary education shall
129 post this information on its internet website within thirty days of
130 receiving it but shall ensure that no personally identifiable information
131 is posted.

170.047. 1. Beginning in the 2017-2018 school year, any licensed
2 educator may annually complete up to two hours of training or
3 professional development in youth suicide awareness and prevention
4 as part of the professional development hours required for state board
5 of education certification.

6 2. The department of elementary and secondary education shall
7 develop guidelines suitable for training or professional development in
8 youth suicide awareness and prevention. The department shall develop
9 materials that may be used for such training or professional
10 development.

11 3. For purposes of this section, the term "licensed educator" shall
12 refer to any teacher with a certificate of license to teach issued by the
13 state board of education or any other educator or administrator
14 required to maintain a professional license issued by the state board of
15 education.

16 4. The department of elementary and secondary education may
17 promulgate rules and regulations to implement this section.

18 5. Any rule or portion of a rule, as that term is defined in section
19 536.010 that is created under the authority delegated in this section
20 shall become effective only if it complies with and is subject to all of

21 the provisions of chapter 536, and, if applicable, section 536.028. This
22 section and chapter 536 are nonseverable and if any of the powers
23 vested with the general assembly pursuant to chapter 536, to review, to
24 delay the effective date, or to disapprove and annul a rule are
25 subsequently held unconstitutional, then the grant of rulemaking
26 authority and any rule proposed or adopted after August 28, 2016, shall
27 be invalid and void.

170.048. 1. By July 1, 2018, each district shall adopt a policy for
2 youth suicide awareness and prevention, including plans for how the
3 district will provide for the training and education of its district
4 employees.

5 2. Each district's policy shall include, but not be limited to the
6 following:

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

9 (2) Strategies and protocols for helping students at possible risk
10 of suicide; and

11 (3) Protocols for responding to a suicide death.

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

191.594. 1. Sections 191.594 to 191.596 shall be known and may
2 be cited as the "Show-Me Compassionate Medical Education Act".

3 2. No medical school in this state shall prohibit, discourage, or
4 otherwise restrict a medical student organization or medical
5 organization from undertaking or conducting a study of the prevalence
6 of depression and suicide or other mental health issues among medical

7 students. No medical school in this state shall penalize, discipline, or
8 otherwise take any adverse action against a student or a medical
9 student organization in connection with such student's or medical
10 student organization's participation in, planning, or conducting a study
11 of the prevalence of depression and suicide or other mental health
12 issues among medical students.

13 3. For purposes of this section, the following terms shall mean:

14 (1) "Medical organization" includes, but is not limited to,
15 organizations such as the Missouri State Medical Association and the
16 Missouri Association of Osteopathic Physicians and Surgeons;

17 (2) "Medical school", any allopathic or osteopathic school of
18 medicine in this state;

19 (3) "Medical student organization" includes, but is not limited to,
20 organizations such as the American Medical Student Association, the
21 Student Osteopathic Medical Association, and any medical student
22 section of a medical organization.

191.596. 1. Medical schools in this state may, in collaboration
2 with the show-me compassionate medical education research project
3 committee, conduct a single center or multicenter study or studies,
4 which, if conducted, shall be known as the "Show-Me Compassionate
5 Medical Education Research Project", in order to facilitate the
6 collection of data and implement practices and protocols to minimize
7 stress and reduce the risk of depression and suicide for medical
8 students in this state.

9 2. There is hereby established the "Show-Me Compassionate
10 Medical Education Research Project Committee", which shall consist of
11 representatives from each of the medical schools in this state and the
12 director of the department of mental health, or the director's
13 designee. The committee shall:

14 (1) Conduct an initial meeting on August 28, 2016, to organize,
15 and meet as necessary thereafter to implement any research project
16 conducted; and

17 (2) Set the date for the show-me compassionate medical
18 education day designated under section 9.154. The date selected shall
19 be for 2017 and every year thereafter.

20 3. Any single center or multicenter study undertaken by the
21 committee or its member schools may include, but need not be limited

22 to, the following:

23 (1) Development of study protocols designed to identify the root
24 causes that contribute to the risk of depression and suicide for medical
25 students;

26 (2) Examination of the culture and academic program of medical
27 schools that may contribute to the risk of depression and suicide for
28 medical students;

29 (3) Collection of any relevant additional data including, but not
30 limited to, consultation and collaboration with mental health
31 professionals and mental health resources in the communities where
32 medical schools are located;

33 (4) Collaboration between the medical schools in this state in
34 order to share information and to identify and make recommendations
35 under subdivision (5) of this subsection; and

36 (5) Based on the data and findings under subdivisions (1) to (3)
37 of this subsection:

38 (a) Identification of the best practices to be implemented at each
39 medical school designed to address the root causes and changes in
40 medical school culture in order to minimize stress and reduce the risk
41 of depression and suicide for medical students;

42 (b) Recommendation of any statutory or regulatory changes
43 regarding licensure of medical professionals and recommendation of
44 any changes to common practices associated with medical training or
45 medical practice that the committee believes will accomplish the goals
46 set out in this section.

47 4. The committee shall prepare an annual report that shall
48 include any information under subdivision (5) of subsection 3 of this
49 section and any measures reported by any medical school as a result of
50 the findings under this section. The report shall be made available
51 annually on each medical school's website and to the Missouri general
52 assembly.

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