

SECOND REGULAR SESSION

SENATE BILL NO. 748

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR NASHEED.

Pre-filed December 1, 2015, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5035S.011

AN ACT

To repeal section 160.775, RSMo, and to enact in lieu thereof one new section relating to 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Section A. Section 160.775, RSMo, is repealed and one new section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**
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**
19 students equally and shall not contain specific lists of protected classes of

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

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.**

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Bill

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