

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Section A. Section 160.775, RSMo, is repealed and one new section  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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