

## SENATE COMMITTEE SUBSTITUTE

FOR

## HOUSE COMMITTEE SUBSTITUTE

FOR

## HOUSE BILLS NOS. 2120 &amp; 1698

## AN ACT

To repeal section 160.775, RSMo, and to enact in lieu thereof two new sections relating to elementary and secondary education.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Section 160.775, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 160.775 and 162.192, to read as follows:

160.775. 1. Every district shall adopt an antibullying policy by September 1, 2007 This section shall be known and may be cited as "Sawyer's Law".

2. As used in this section, the following terms mean:

(1) "Act of school violence" or "violent behavior", the same meaning as in section 160.261;

(2) "Bullying" [means], intimidation, unwanted aggressive behavior, or harassment that is repetitive or is substantially likely to be repeated and causes a reasonable student to fear for his or her physical safety or property; substantially interferes with the educational performance, opportunities, or benefits of any student without exception; or substantially disrupts the orderly operation of the school. Bullying may consist of physical actions, including gestures, or oral, cyberbullying, electronic, or written communication, and any threat of retaliation for reporting of such acts. Bullying of students is prohibited on school property, at any school function, or on a school bus[.];

(3) "Crime", any of the crimes listed in section 160.261;

(4) "Cyberbullying" [means], bullying as defined in this subsection through the transmission of a communication including, but not limited to, a message, text, sound, or image by means of an electronic device including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager;

(5) "Zero-tolerance disciplinary policy", a policy or practice of discipline that results in an automatic disciplinary consequence against a student without the discretion to modify such disciplinary consequence on a case-by-case basis, such as automatic detention, suspension, or expulsion or the automatic imposition of other disciplinary measures.

3. Each school district's and charter school's antibullying policy shall be founded on the assumption that all students need a safe learning environment. Policies shall treat all students equally and shall not contain specific lists of protected classes of students who are to receive special treatment. Policies may include age-appropriate differences for schools based on the grade levels at the school. Each such policy shall contain a statement of the consequences of bullying.

4. Each school district's and charter school's antibullying policy shall be included in the student handbook and shall require, at a minimum, the following components:

(1) A statement prohibiting bullying, defined no less inclusively than in subsection 2 of this section;

(2) (a) A [statement] procedure requiring school district or charter school employees to report any instance of bullying of which the employee has firsthand knowledge.

(b) The [policy] procedure shall require a school district or charter school employee who witnesses an incident of bullying to report the incident to the school district's or charter school's designated individual at the school [within two school days] in a timely manner of the employee witnessing the incident, provided that such incident is reported before the end of the school day if such incident occurred within the school day, or before the beginning of the next school day if such incident occurred outside of operational hours of the school.

(c) The procedure shall require that the parent or legal guardian of the bullied student be notified of the bullying incident at the same time the incident is reported and the investigation has started;

(3) A statement relating to victims of bullying that the school district or charter school prohibits, does not have, and will not adopt, in name or in practice, a zero-tolerance disciplinary policy;

(4) A statement relating to pupils who engage in self-defense that the school district or charter school administration, when determining disciplinary action for a pupil who has committed an act of school violence or exhibited violent behavior, will take into account if such act of school violence or violent behavior was committed in self-defense as an immediate response to an act of school violence or violent behavior committed against such pupil;

(5) A procedure for reporting an act of bullying. The policy shall also include a statement requiring that the school district or charter school designate an individual at each school building in the district and charter school to receive reports of incidents of bullying. Such individual shall be a school district or charter school employee who is teacher level staff or above;

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

(a) Within two school days of a report of an incident of bullying being received, the school principal, or his or her designee, shall initiate an investigation of the incident and ensure that the report is reduced to writing;

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

(c) The investigation shall be completed within ten school days from the date [of the written report] the investigation is initiated under paragraph (a) of this subdivision unless good cause exists to extend the investigation; and

(d) A written report shall be prepared that contains the results of the investigation and any response including, but not limited to, a description of any interventions, initiatives, techniques, or discipline provided to all involved individuals of the incident. The school district or charter school may develop a standardized form to use for such written report;

[(5)] (7) A procedure for the response to any investigation that finds an act of bullying occurred. The policy shall, at a minimum, require notifying the parents of the bullying student;

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

[(6)] (9) A statement of how the policy is to be publicized; and

[(7)] (10) A process for discussing the district's antibullying policy with students and training school employees and volunteers who have [significant] contact with students in the requirements of the policy, including, at a minimum, the following statements:

(a) The school district or charter school shall provide information and appropriate training to the school district or charter school staff who have [significant] contact with students regarding the policy including, but not limited to, training on the appropriate interventions staff may take and the associated liability for action or inaction including, but not limited to, failure to report incidents;

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

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

(d) The administration of the school district or charter school shall instruct its school counselors, school social workers, licensed social workers, mental health professionals, and school psychologists to educate students who are victims of bullying and students committing acts of bullying on techniques for students to overcome bullying's negative effects. Such techniques shall include, but not be

limited to, cultivating the student's self-worth and self-esteem; teaching the student to defend himself or herself assertively and effectively; helping the student develop social skills; or encouraging the student to develop an internal locus of control. The provisions of this paragraph shall not be construed to contradict or limit any other provision of this section; and

(e) The administration of the school district or charter school shall implement programs and other initiatives to address bullying, to respond to such conduct in a manner that does not stigmatize the victim, and to make resources or referrals available to victims of bullying and students committing acts of bullying.

5. Notwithstanding any other provision of law to the contrary, any school district or charter school shall have jurisdiction to prohibit cyberbullying that originates on a school's campus or at a district activity if the electronic communication was made using the school's technological resources, if there is a sufficient nexus to the educational environment, or if the electronic communication was made on the school's campus or at a school district or charter school activity using the student's own personal technological resources. The school district or charter school may discipline any student for such cyberbullying to the greatest extent allowed by law.

6. Each school district and charter school shall review its antibullying policy and revise it as needed. The school district's school board or charter school's governing board shall receive input from school personnel, students, and administrators when reviewing and revising the policy.

7. (1) The administration of each school district and charter school shall report to the school board or governing board all acts of bullying, acts of school violence or

violent behavior, and crimes that occurred in between board meetings and the discipline of any pupil who committed such acts. Such report shall be submitted monthly and shall be formatted to clearly describe each such incident.

(2) The school board or governing board shall review such monthly report in a closed meeting under chapter 610. Discrepancies in such report shall be resolved within thirty days of the review and the board, in conjunction with the school administration, shall attempt to address and resolve substantiated concerns relating to incidents listed on such report, as concerns are expressed during such monthly review by school administration or school board or governing board members.

8. (1) A school district or charter school employee or volunteer may, in the course of fulfilling duties or performing services for such school district or charter school, intervene in an incident involving an act of bullying, act of school violence or violent behavior, or crime committed against a pupil to protect such pupil.

(2) Such school district or charter school employee or volunteer shall be held harmless and immune from any liability for actions described in subdivision (1) of this subsection if:

(a) In the course of intervening in such incident, such employee or volunteer follows a proper procedure for such interventions adopted by the school board of such school district or the charter school's governing board; or

(b) Such employee or volunteer intervenes in good faith and in a manner that such employee or volunteer reasonably believes is afforded the defense of justification under chapter 563.

9. (1) A school district or charter school, or an employee of such district or charter school, that in good

faith imposes disciplinary action under this section upon a bullying student shall not be civilly liable for such disciplinary action.

(2) If a school district or charter school, or an employee of such district or charter school, prevails in an action brought against such school district, charter school, or employee described in subdivision (1) of this subsection, the court shall award court costs and attorney's fees to such prevailing school district, charter school, or employee.

10. (1) This section shall not be construed to provide immunity from liability for a school district's or charter school's denial, or the denial by an employee of such district or charter school, of any constitutionally protected right of a student.

(2) Subdivision (1) of this subsection shall not be construed to limit any immunities or defenses available under state or federal law to a school district, a charter school, or employees or volunteers of such school district or charter school.

11. (1) For the purposes of reporting requirements under section 210.115, incidents of bullying, acts of school violence or violent behavior, or crime may be considered abuse.

(2) No provision of this section shall be construed to preclude any person from reporting such abuse and such person shall be afforded the same protections provided under sections 210.135 and 210.145 for reports of abuse in compliance with section 210.115.

12. No charter school shall expel or transfer a student to a school district solely due to reports of bullying made against such student.

162.192. 1. For purposes of this section, "financial ledger" means a searchable, machine-readable, publicly

accessible database maintained by a school district or charter school that:

(1) Sets forth all financial transactions conducted with school district or charter school funds, including, but not limited to, the school funds established pursuant to section 165.011;

(2) Is available without login credentials, registration, or fees;

(3) Is downloadable and exportable in formats including, but not limited to, comma-separated values (CSV) format and Microsoft Excel format;

(4) Records all transactions using Missouri financial accounting manual classification categories, as applicable; and

(5) Includes the following minimum required data fields for each financial transaction, and is searchable and filterable by such fields, at minimum:

(a) Transaction date;

(b) Transaction amount;

(c) Revenue or expenditure designation;

(d) Fund code;

(e) Function code;

(f) Object code;

(g) Vendor or payee name; and

(h) Description or memo field.

2. Notwithstanding any provision of law to the contrary, each school district and charter school shall maintain a financial ledger on its publicly accessible website. The homepage of each public or charter school's website shall include a direct link to the financial ledger of the school district or charter school that has oversight responsibility for that public or charter school. The link shall make the financial ledger accessible within one click,

shall be clearly labeled as a link to the school district's or charter school's financial ledger, and shall be functional and mobile-responsive. The department may provide standardized language or icons that public and charter schools may use for the purpose of ensuring compliance with this subsection.

3. A school district's or charter school's financial ledger shall be updated at least monthly. Details of each calendar month's financial transactions shall be posted no later than forty-five days after the close of that calendar month.

4. For historical record keeping purposes, a school district or charter school shall maintain complete financial ledger data on its publicly accessible website for no fewer than five prior fiscal years.

5. A school district or charter school may redact protected personal information on the financial ledger only to the extent required by applicable law. Vendor names, amounts, and accounting codes shall not be redacted. Payroll data may be presented in aggregated form where disclosure of individual information is restricted.

6. Debt obligations shall be posted in a separate section of the financial ledger, with disclosure of the following information:

- (1) Outstanding debt balances;
- (2) Issuance dates;
- (3) Repayment schedules;
- (4) Annual debt service amounts; and
- (5) Debt service as a percentage of total expenditures.

7. The department may provide or approve standardized templates or platforms a school district or charter school may use to comply with the provisions of this section. A

school district or charter school may use a third-party template or platform that is approved by the department.

8. The department may provide guidance to assist school districts and charter schools in complying with the provisions of this section. Such guidance may include:

(1) High-level expenditure summaries by classification category under the Missouri financial accounting manual;

(2) Standardized definitions of terms to be used in the financial ledger; and

(3) Clear explanations of methodology and limitations applicable to the compilation and presentation of financial ledger data.

9. School districts and charter schools shall annually certify compliance with this section to the department. The department shall promulgate rules establishing procedures and timelines for school districts and charter schools to certify compliance.

10. If the department finds that any school district or charter school has violated a provision of this section, the department may withhold up to one percent of the state aid to which the school district or charter school is entitled under chapter 160 or 163 for the current school year until the school district or charter school proves to the satisfaction of the department that the school district or charter school is no longer in violation of this section.

11. The department shall establish a process for members of the public to file complaints with the department if they believe a school district or charter school has violated any provision of this section. The department may establish a public compliance dashboard on the department's website to enable members of the public to check whether a particular school district or charter school is certified as in compliance with the provisions of this section.

12. The department shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2026, shall be invalid and void.