

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1583

98TH GENERAL ASSEMBLY

Reported from the Committee on Education, May 4, 2016, with recommendation that the Senate Committee Substitute do pass.

ADRIANE D. CROUSE, Secretary.

4821S.04C

AN ACT

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Section A. Section 160.775, RSMo, is repealed and three new sections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

160.775. 1. Every district shall adopt an antibullying policy by September
2 1, 2007.

3 2. "Bullying" means intimidation, **unwanted aggressive behavior**, or
4 harassment that **is repetitive or is substantially likely to be repeated and**
5 causes a reasonable student to fear for his or her physical safety or property;
6 **substantially interferes with the educational performance,**
7 **opportunities, or benefits of any student without exception; or**
8 **substantially disrupts the orderly operation of the school.** Bullying may
9 consist of physical actions, including gestures, or oral, cyberbullying, electronic,
10 or written communication, and any threat of retaliation for reporting of such
11 acts. **Bullying of students is prohibited on school property, at any**
12 **school function, or on a school bus. "Cyberbullying" means bullying as**
13 **defined in this subsection through the transmission of a communication**
14 **including, but not limited to, a message, text, sound, or image by means**
15 **of an electronic device including, but not limited to, a telephone,**
16 **wireless telephone, or other wireless communication device, computer,**
17 **or pager.**

18 3. Each district's antibullying policy shall be founded on the assumption

19 that all students need a safe learning environment. Policies shall treat **all**
20 students equally and shall not contain specific lists of protected classes of
21 students who are to receive special treatment. Policies may include
22 age-appropriate differences for schools based on the grade levels at the
23 school. Each such policy shall contain a statement of the consequences of
24 bullying.

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

27 (1) **A statement prohibiting bullying, defined no less inclusively**
28 **than in subsection 2 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
32 policy]. **The policy shall require a district employee who witnesses an**
33 **incident of bullying to report the incident to the district's designated**
34 **individual at the school within two school days of the employee**
35 **witnessing the incident;**

36 (3) **A procedure for reporting an act of bullying. The policy shall**
37 **also include a statement requiring that the district designate an**
38 **individual at each school in the district to receive reports of incidents**
39 **of bullying. Such individual shall be a district employee who is teacher**
40 **level staff or above;**

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

44 (a) **Within two school days of a report of an incident of bullying**
45 **being received, the school principal, or his or her designee, shall**
46 **initiate an investigation of the incident;**

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

49 (c) **The investigation shall be completed within ten school days**
50 **from the date of the written report unless good cause exists to extend**
51 **the investigation;**

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

56 (6) A statement of how the policy is to be publicized; and

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

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

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

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

73 (d) The administration of the school district shall instruct its
74 school counselors, school social workers, licensed social workers,
75 mental health professionals, and school psychologists to educate
76 students who are victims of bullying on techniques for students to
77 overcome bullying's negative effects. Such techniques shall include,
78 but not be limited to, cultivating the student's self-worth and self-
79 esteem; teaching the student to defend himself or herself assertively
80 and effectively; helping the student develop social skills; or
81 encouraging the student to develop an internal locus of control. The
82 provisions of this paragraph shall not be construed to contradict or
83 limit any other provision of this section; and

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

88 5. Notwithstanding any other provision of law to the contrary,
89 any school district shall have jurisdiction to prohibit cyberbullying
90 that originates on a school's campus or at a district activity if the
91 electronic communication was made using the school's technological
92 resources, if there is a sufficient nexus to the educational environment,

93 or if the electronic communication was made on the school's campus or
94 at a district activity using the student's own personal technological
95 resources. The school district may discipline any student for such
96 cyberbullying to the greatest extent allowed by law.

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

170.047. 1. Beginning in the 2017-18 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"
12 means 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 the training and

3 education of district employees.

4 2. Each district's policy shall address, but need not be limited to,
5 the following:

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

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

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

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

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