

FIRST REGULAR SESSION

SENATE BILL NO. 206

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SIFTON.

Pre-filed December 15, 2016, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0812S.01I

AN ACT

To repeal section 160.775, RSMo, and to enact in lieu thereof one new section relating to school 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Section A. Section 160.775, RSMo, is repealed and one new section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[, 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, opportunities, or
7 benefits of any student without exception; or substantially disrupts the orderly
8 operation of the school. Bullying may consist of physical actions, including
9 gestures, or oral, cyberbullying, electronic, or written communication, and any
10 threat of retaliation for reporting of such acts. Bullying [of students] is
11 prohibited on school property, at any school function, or on a school
12 bus. "Cyberbullying" [means] is bullying [as defined in this subsection] through
13 the transmission of a communication including, but not limited to, a message,
14 text, sound, or image by means of an electronic device including, but not limited
15 to, a telephone, wireless telephone, or other wireless communication device,
16 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 student
25 handbook and] shall require, at a minimum, the following components:

26 (1) A statement prohibiting bullying, defined no less [inclusively]
27 **inclusive** than in subsection 2 of this section;

28 (2) A statement requiring district employees to report any instance of
29 bullying of which the employee has firsthand knowledge[. The policy shall
30 require a district employee who witnesses an incident of bullying to report the
31 incident to the district's designated individual at the school within two school
32 days of the employee witnessing the incident], **or has reasonable cause to**
33 **suspect that a student has been subject to bullying, or has received a**
34 **report of bullying from a student. The policy shall be included in the**
35 **student handbook. The school district administration shall notify the**
36 **parents or legal guardians of the individual alleged in the report to be**
37 **responsible for the bullying incident and the parents or legal guardians**
38 **of the target of bullying incident;**

39 (3) A procedure for reporting an act of bullying[. The policy shall also
40 include a statement requiring that the district designate an individual at each
41 school in the district to receive reports of incidents of bullying. Such individual
42 shall be a district employee who is teacher level staff or above], **including a**
43 **provision that permits a person to report an act of harassment,**
44 **intimidation, or bullying anonymously. However, this shall not be**
45 **construed to permit formal disciplinary action solely on the basis of an**
46 **anonymous report;**

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

50 (a) Within two school days of a report of an incident of bullying being
51 received, the school principal, or his or her designee, shall initiate an
52 investigation of the incident;

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

55 (c) The investigation shall be completed within ten school days from the

56 date of the written report unless good cause exists to extend the investigation]
57 **either the principal or the principal's certified staff designee as the**
58 **person responsible for the investigation;**

59 (5) **The range of ways in which a school shall respond once an**
60 **incident of bullying is confirmed;**

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

64 [(6)] (7) A statement of how the policy is to be publicized; and

65 [(7)] (8) A process for discussing the district's antibullying policy with
66 students and training school employees and volunteers who have significant
67 contact with students in the requirements of the policy, including, at a minimum,
68 the following statements:

69 (a) **The policy shall be conspicuously posted throughout each**
70 **school building in areas accessible to students and staff members;**

71 (b) The school district **annually** shall provide information and **any**
72 appropriate training to the school district staff [who have significant contact with
73 students] regarding the policy;

74 [(b)] (c) The school district shall give annual notice of the policy to
75 students, parents or guardians, and staff;

76 [(c)] (d) The school district shall provide education and information to
77 students regarding bullying, including information regarding the school district
78 policy prohibiting bullying, the harmful effects of bullying, and other applicable
79 initiatives to [address] **prevent** bullying[, including student peer-to-peer
80 initiatives to provide accountability and policy enforcement for those found to
81 have engaged in bullying, reprisal, or retaliation against any person who reports
82 an act of bullying];

83 [(d)] The administration of the school district shall instruct its school
84 counselors, school social workers, licensed social workers, mental health
85 professionals, and school psychologists to educate students who are victims of
86 bullying on techniques for students to overcome bullying's negative effects. Such
87 techniques shall include, but not be limited to, cultivating the student's self-worth
88 and self-esteem; teaching the student to defend himself or herself assertively and
89 effectively; helping the student develop social skills; or encouraging the student
90 to develop an internal locus of control. The provisions of this paragraph shall not
91 be construed to contradict or limit any other provision of this section; and]

92 (e) The administration of the school district shall implement programs
93 and other initiatives to [address] **prevent** bullying, to respond to such conduct
94 in a manner that does not stigmatize the victim, and to make resources or
95 referrals available to victims of bullying; **and**

96 **(f) The policy shall be reviewed at least annually for compliance**
97 **with state and federal law.**

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

106 6. [Each district shall review its antibullying policy and revise it as
107 needed. The district's school board shall receive input from school personnel,
108 students, and administrators when reviewing and revising the policy] **Any**
109 **student alleging to be the target of an incident of bullying who has**
110 **completed all procedures required by the district's reporting policy and**
111 **continues to be subjected to bullying shall be informed by the district**
112 **that he or she may seek other remedies. The information may include**
113 **but not be limited to informing the target or the target's parents or**
114 **legal guardians of the possibility of civil action against the individual**
115 **alleged to be responsible for the bullying and against the parents or**
116 **legal guardians of that individual. The target and his or her parents**
117 **shall also be informed that they may request intervention by any other**
118 **county, state, or federal agency or office that is empowered to act on**
119 **behalf of the target.**

120 7. **The state board of education is authorized to promulgate rules**
121 **and regulations to implement this section and shall develop model**
122 **policies to assist local school districts in developing policies for the**
123 **prevention of bullying no later than September 1, 2018. Any rule or**
124 **portion of a rule, as that term is defined in section 536.010 that is**
125 **created under the authority delegated in this section shall become**
126 **effective only if it complies with and is subject to all of the provisions**
127 **of chapter 536, and, if applicable, section 536.028. This section and**

128 **chapter 536 are nonseverable and if any of the powers vested with the**
129 **general assembly pursuant to chapter 536, to review, to delay the**
130 **effective date, or to disapprove and annul a rule are subsequently held**
131 **unconstitutional, then the grant of rulemaking authority and any rule**
132 **proposed or adopted after August 28, 2017, shall be invalid and void.**

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Unofficial

Bill

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