

SECOND REGULAR SESSION

HOUSE BILL NO. 2842

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE DAVIDSON.

4268H.011

DANA RADEMAN MILLER, Chief Clerk

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Section A. Section 160.775, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 160.775, to read as follows: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 1, 2007.

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. "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.

3. Each district'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.

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 Policies may include age-appropriate differences for schools based on the grade levels at the
18 school. Each such policy shall contain a statement of the consequences of bullying.

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

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

23 (2) A statement requiring district employees to report any instance of bullying of
24 which the employee has firsthand knowledge. The policy shall require a district employee
25 who witnesses an incident of bullying to report the incident to the district's designated
26 individual at the school within two school days of the employee witnessing the incident;

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

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

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

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

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

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

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

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

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

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

51 (c) The school district shall provide education and information to students regarding
52 bullying, including information regarding the school district policy prohibiting bullying, the
53 harmful effects of bullying, and other applicable initiatives to address bullying, including

54 student peer-to-peer initiatives to provide accountability and policy enforcement for those
55 found to have engaged in bullying, reprisal, or retaliation against any person who reports an
56 act of bullying;

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

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

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

75 6. Each district shall review its antibullying policy and revise it as needed. The
76 district's school board shall receive input from school personnel, **parents**, students, and
77 administrators when reviewing and revising the policy.

78 **7. If requested by a petition signed by at least ten percent of the parents residing**
79 **within the school district, the school board shall cause an audit to be performed to**
80 **determine the school district's adherence to the requirements of this section. The school**
81 **district shall verify that the signers of the petition are qualified residents of the school**
82 **district within thirty days after the school district receives a petition requesting an audit.**
83 **The school district shall hire a nongovernmental entity within thirty days after verifying**
84 **the validity of the signatures to conduct the audit. The school district shall pay the**
85 **actual cost of the audit. The school district shall post the audit report on the school**
86 **district's website.**

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