

SECOND REGULAR SESSION

# HOUSE BILL NO. 2036

## 95TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES LAMPE (Sponsor), NEWMAN, OXFORD, NORR, McGHEE, COLONA, CHAPPELLE-NADAL, McNEIL, JONES (63), ROORDA, VOGT, HUMMEL, WEBBER, BIERMANN, ENGLUND, FALLERT, HOLSMAN, WEBB, KIRKTON, TALBOY, STILL, PACE, SCHUPP, CURLS, DOUGHERTY, LeVOTA, CARTER, ATKINS, LeBLANC, STORCH, NASHEED, LOW, SCHOEMEHL, KRATKY, WALTON GRAY, HUGHES, WALSH, AULL, LIESE, CALLOWAY, YAEGER, RUCKER, ZIMMERMAN, KOMO, ZERR, SPRENG, MORRIS, GRISAMORE, KANDER, SKAGGS, McDONALD, KUESSNER, BURNETT, HOSKINS (80), CORCORAN, MEINERS, SALVA, CASEY AND BROWN (50) (Co-sponsors).

4614L.02I

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 160.775, RSMo, and to enact in lieu thereof one new section relating to school safety.

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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Section A. Section 160.775, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 160.775, to read as follows: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 **discrimination**, intimidation, or harassment that causes a reasonable student to fear for his or her physical safety or property; **substantially interferes with a student's educational performance, opportunities, or benefits; or substantially disrupts the orderly operation of the school**. Bullying may consist of physical actions, including gestures, or oral or written communication, and any threat of retaliation for reporting of such acts. **Bullying is prohibited by school employees or students on school property, at any school function, or on a school bus.**

3. Each district's antibullying policy shall be founded on the assumption that all students need a safe learning environment. [Policies shall treat students equally and shall not contain specific lists of protected classes of students who are to receive special treatment.] **Bullying that is reasonably perceived as being motivated by actual or perceived race, color, religion,**

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.

13 **ancestry, national origin, gender, sexual orientation as defined in section 557.035,**  
14 **intellectual ability, physical appearance, or a mental, physical or sensory disability or**  
15 **disorder; or on the basis of association with others identified by these categories; is**  
16 **prohibited.** Policies may include age appropriate differences for schools based on the grade  
17 levels at the school. Each such policy shall contain a statement of the consequences of bullying.

18 **4. A school employee, student, or volunteer who has witnessed or has reliable**  
19 **information that a student or school employee has been subject to discrimination or**  
20 **harassment shall report the incident to the appropriate school official.**

21 **5. Each district's antibullying policy shall require, at a minimum, the following**  
22 **components:**

23 **(1) A statement prohibiting bullying, defined no less inclusive than that in**  
24 **subsection 1 of this section;**

25 **(2) A statement requiring** district employees to report any instance of bullying of which  
26 the employee has **reliable information or** firsthand knowledge[. The district policy shall  
27 address training of employees in the requirements of the district policy.] ;

28 **(3) A procedure for reporting an act of bullying, including a provision that permits**  
29 **a person to report an act of discrimination, harassment, intimidation, or bullying**  
30 **anonymously. However, this shall not be construed to permit formal disciplinary action**  
31 **solely on the basis of an anonymous report;**

32 **(4) A procedure for prompt investigation of reports of serious violations and**  
33 **complaints, identifying either the principal or the principal's designee as the person**  
34 **responsible for the investigation;**

35 **(5) The range of ways in which a school will respond once an incident of bullying**  
36 **is confirmed;**

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

40 **(7) A statement of how the policy is to be publicized;**

41 **(8) A process for discussing the district's antibullying policy with students and**  
42 **training school employees and volunteers who have significant contact with students in the**  
43 **requirements of the policy, including at a minimum the following statements:**

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

46 **(b) The school district annually shall provide information and any appropriate**  
47 **training to the school district staff regarding the policy;**

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

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

54 (e) The administration of the school district shall implement programs and other  
55 initiatives to prevent bullying, to respond to such conduct in a manner that does not  
56 stigmatize the victim, and to make resources or referrals available to victims of bullying;

57 (f) The school district may implement violence prevention and character  
58 development education programs to prevent and reduce policy violations. Such programs  
59 may offer instruction on character education including, but not limited to, character  
60 qualities such as attentiveness, truthfulness, respect for authority, diligence, gratefulness,  
61 self-discipline, patience, forgiveness, respect for others, peacemaking, and resourcefulness;

62 (g) The policy shall be reviewed at least annually for compliance with state and  
63 federal law;

64 (9) A procedure for implementing and maintaining annual confidential surveys of  
65 students and school employees that measure their perception and experiences of  
66 harassment and discrimination on the basis of actual or perceived race, color, religion,  
67 ancestry, national origin, gender, gender identity or expression, sexual orientation, or a  
68 mental, physical, or sensory disability, or on the basis of association with an individual who  
69 falls into one of the protected categories.

70 6. The state board of education is authorized to promulgate rules and regulations  
71 to implement this section and shall develop model policies to assist local school districts in  
72 developing policies for the prevention of bullying no later than September 1, 2011. Any  
73 rule or portion of a rule, as that term is defined in section 536.010, that is created under  
74 the authority delegated in this section shall become effective only if it complies with and  
75 is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This  
76 section and chapter 536 are nonseverable and if any of the powers vested with the general  
77 assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove  
78 and annul a rule are subsequently held unconstitutional, then the grant of rulemaking  
79 authority and any rule proposed or adopted after August 28, 2010, shall be invalid and  
80 void.

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