

SECOND REGULAR SESSION

# HOUSE BILL NO. 2233

## 97TH GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVES ALLEN (Sponsor), MORRIS, LICHTENEGGER,  
FLANIGAN AND ZERR (Co-sponsors).

6485L.011

D. ADAM CRUMBLISS, Chief Clerk

---

### AN ACT

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

---

*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Section A. Section 160.775, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 160.775, to read as follows: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 or harassment that 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 **but is not limited to** physical actions, including gestures, or oral, cyberbullying, electronic, or written communication, and any threat of retaliation for reporting of such acts. **Bullying is prohibited by students on school property, at any school function, or on a school bus.** "Cyberbullying" is 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]. Policies may

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.

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

18 4. Each district's antibullying policy shall require, **at a minimum, the following**  
19 **components:**

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

22 **(2) A statement requiring** district employees to report any instance of bullying of which  
23 the employee has firsthand knowledge[. The district policy shall address training of employees  
24 in the requirements of the district policy.], **has reasonable cause to suspect that a student has**  
25 **been subject to bullying, or has received a report of bullying from a student. The policy**  
26 **shall be included in the student handbook. The school district administration shall notify**  
27 **the parents or legal guardians of the individual alleged in the report to be responsible for**  
28 **the bullying incident and the parents or legal guardians of the target of the bullying**  
29 **incident;**

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

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

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

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

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

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

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

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

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

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

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

59 (f) The policy shall be reviewed at least annually for compliance with state and  
60 federal law.

61 5. Any student alleging to be the target of an incident of bullying who has  
62 completed all procedures required by the district's reporting policy and continues to be  
63 subjected to bullying shall be informed by the district that he or she may seek other  
64 remedies. The information may include but not be limited to informing the target or the  
65 target's parents or legal guardians of the possibility of civil action against the individual  
66 alleged to be responsible for the bullying and against the parents or legal guardians of that  
67 individual. The target and his or her parents shall also be informed that they may request  
68 intervention by any other county, state, or federal agency or office that is empowered to  
69 act on behalf of the target.

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, 2014. 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, 2014, shall be invalid and  
80 void.

✓