

HOUSE SUBSTITUTE NO. _____
TO
HOUSE AMENDMENT NO. _____

Offered By

1 AMEND House Bill No. 1427, Page 1, In the Title, Lines 2-3, by deleting the words "financial
2 accountability of school districts" and inserting in lieu thereof the words "elementary and secondary
3 education"; and

4
5 Further amend said bill, Page 2, Section 160.066, Line 23, by inserting after all of said section and
6 line the following:

7
8 "160.775. 1. Every district shall adopt an antibullying policy by September 1, 2007.

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

20 3. Each district's antibullying policy shall be founded on the assumption that all students
21 need a safe learning environment. Policies shall treat all students equally [and shall not contain
22 specific lists of protected classes of students who are to receive special treatment]. Policies may
23 include age-appropriate differences for schools based on the grade levels at the school. Each such
24 policy shall contain a statement of the consequences of bullying. Policies shall include a prohibition
25 on bullying reasonably believed to be motivated by actual or perceived race, color, religion,
26 ancestry, national origin, gender, sexual orientation, intellectual ability, physical appearance, mental
27 or physical or sensory disability or disorder, or on the basis of association with any student
28 identified or perceived to be in any such category.

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

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

33 (2) A statement requiring district employees to report any instance of bullying of which the
Standing Action Taken _____ Date _____

Select Action Taken _____ Date _____

1 employee has firsthand knowledge[. The district policy shall address training of employees in the
2 requirements of the district policy.], has reasonable cause to suspect that a student has been subject
3 to bullying, or has received a report of bullying from a student. The policy shall require a district
4 employee who witnesses an incident of bullying or has received reliable information that an incident
5 of bullying has occurred to report the incident to the district's designated individual at the school
6 within two school days of the employee witnessing or receiving the reliable information regarding
7 the incident. The policy shall require that the district maintain records of all incidents of bullying
8 and their resolution;

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

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

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

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

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

21 (5) The range of ways in which a school will respond once an incident of bullying is
22 confirmed with disciplinary action ranging from a minimum of counseling for the bullying to a
23 maximum of expulsion of the student based on the establishment of reasonable criteria related to the
24 severity of the actions;

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

28 (7) A statement of how the policy is to be publicized; and

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

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

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

36 (c) The school district shall provide education and information to students regarding
37 bullying, including information regarding the school district policy prohibiting bullying, the harmful
38 effects of bullying, and other applicable initiatives to prevent bullying, including student peer-to-
39 peer initiatives to provide accountability and policy enforcement for those found to have engaged in
40 bullying, reprisal, or retaliation against any person who reports an act of bullying;

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

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

4 5. Notwithstanding any other provision of law to the contrary, any school district may
 5 subject any student to discipline for cyberbullying. A school district may discipline any student for
 6 cyberbullying to the greatest extent allowed by law. The district shall have jurisdiction to prohibit
 7 cyberbullying that originates on a school's campus or at a district activity if the electronic
 8 communication was made using the school's technological resources, if there is a sufficient nexus to
 9 the educational environment, or if the electronic communication was made on the school's campus
 10 or at a district activity using the student's own personal technological resources. The district shall
 11 have jurisdiction to prohibit cyberbullying that originates off the school's campus if:

12 (1) It was reasonably foreseeable that the electronic communication would reach the
 13 school's campus; or

14 (2) There is a sufficient nexus between the electronic communication and the school that
 15 includes, but is not limited to, speech that is directed at a school-specific audience, or the speech
 16 was brought onto or accessed on the school campus, even if it was not the student in question who
 17 did so. The district may also prohibit cyberbullying that occurs outside of the district to the greatest
 18 extent allowed by law including, but not limited to, situations in which the cyberbullying negatively
 19 impacts the educational environment or constitutes a true threat. Even in situations where the
 20 district does not have legal authority to discipline a student, the district may contact law
 21 enforcement and take other appropriate actions to protect students and clarify district expectations.

22 6. Each district shall annually review its antibullying policy and revise it as needed. The
 23 district's school board shall receive input from school personnel, students, and administrators when
 24 reviewing and revising the policy.

25 7. Each district shall develop a method to keep track of any correspondence between
 26 individuals and the district or any school in the district regarding an incident of bullying. Such
 27 correspondence shall be a closed record under chapter 610.

28 8. Each district shall annually report to the department of elementary and secondary
 29 education the number of confirmed reported bullying incidents in the district at the school level and
 30 the district level and any action taken in response to an incident of bullying including, but not
 31 limited to, expulsions and suspensions for each school in the district. No district shall release any
 32 confidential information not authorized by state or federal law for public release. The department
 33 of elementary and secondary education shall post this information on its internet website within
 34 thirty days of receiving it but shall ensure that no personally identifiable information is posted.

35 9. Notwithstanding the provisions of this section, so long as a school district has an
 36 antibullying policy or policies which were in effect before August 28, 2016, a school district shall
 37 not be required to implement or adhere to subsections 2 through 8 of this section. No changes shall
 38 be made to a district's antibullying policy or policies unless the local school board of the district
 39 approves such changes through a majority vote of the board.

40 170.047. 1. Beginning in the 2017-18 school year, any licensed educator may annually
 41 complete up to two hours of training or professional development in youth suicide awareness and
 42 prevention as part of the professional development hours required for state board of education
 43 certification.

44 2. The department of elementary and secondary education shall develop guidelines suitable
 45 for training or professional development in youth suicide awareness and prevention. The
 46 department shall develop materials that may be used for such training or professional development.

47 3. For purposes of this section, the term "licensed educator" means any teacher with a
 48 certificate of license to teach issued by the state board of education or any other educator or

1 administrator required to maintain a professional license issued by the state board of education.

2 4. The department of elementary and secondary education may promulgate rules and
3 regulations to implement this section.

4 5. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
5 under the authority delegated in this section shall become effective only if it complies with and is
6 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and
7 chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to
8 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently
9 held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after
10 August 28, 2016, shall be invalid and void.

11 170.048. 1. By July 1, 2018, each district shall adopt a policy for youth suicide awareness
12 and prevention, including the training and education of district employees.

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

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

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

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

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

27
28 Further amend said bill by amending the title, enacting clause, and intersectional references
29 accordingly.

30 THIS AMENDMENT SUBSTITUTES AMENDMENT 4237H01.12H