

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By \_\_\_\_\_

1 AMEND Senate Committee Substitute for Senate Bill No. 646, Page 1, In the Title, Line 3, by  
2 deleting the words, "suicide awareness and prevention"; and  
3

4 Further amend said bill, Page 1, Section A, Line 2, by inserting after all of said line the following:  
5

6 "160.775. 1. Every district shall adopt an antibullying policy by September 1, 2007.

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

18 3. Each district's antibullying policy shall be founded on the assumption that all students  
19 need a safe learning environment. Policies shall treat all students equally and shall not contain  
20 specific lists of protected classes of students who are to receive special treatment. Policies may  
21 include age-appropriate differences for schools based on the grade levels at the school. Each such  
22 policy shall contain a statement of the consequences of bullying.

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

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

27 (2) A statement requiring district employees to report any instance of bullying of which the  
28 employee has firsthand knowledge[. The district policy shall address training of employees in the  
29 requirements of the district policy]. The policy shall require a district employee who witnesses an  
30 incident of bullying to report the incident to the district's designated individual at the school within  
31 two school days of the employee witnessing the incident;

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

36 (4) A procedure for prompt investigation of reports of violations and complaints,

Standing Action Taken \_\_\_\_\_ Date \_\_\_\_\_

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1 identifying one or more employees responsible for the investigation including, at a minimum, the  
2 following requirements:

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

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

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

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

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

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

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

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

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

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

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

35 5. Notwithstanding any other provision of law to the contrary, any school district may  
36 subject any student to discipline for cyberbullying. A school district may discipline any student for  
37 cyberbullying to the greatest extent allowed by law. The district shall have jurisdiction to prohibit  
38 cyberbullying that originates on a school's campus or at a district activity if the electronic  
39 communication was made using the school's technological resources, if there is a sufficient nexus to  
40 the educational environment, or if the electronic communication was made on the school's campus  
41 or at a district activity using the student's own personal technological resources. The district shall  
42 have jurisdiction to prohibit cyberbullying that originates off the school's campus if:

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

45 (2) There is a sufficient nexus between the electronic communication and the school that  
46 includes, but is not limited to, speech that is directed at a school-specific audience, or the speech  
47 was brought onto or accessed on the school campus, even if it was not the student in question who  
48 did so. The district may also prohibit cyberbullying that occurs outside of the district to the greatest

1 extent allowed by law including, but not limited to, situations in which the cyberbullying negatively  
 2 impacts the educational environment or constitutes a true threat. Even in situations where the  
 3 district does not have legal authority to discipline a student, the district may contact law  
 4 enforcement and take other appropriate actions to protect students and clarify district expectations.

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

8 170.015. 1. Any course materials and instruction relating to human sexuality and sexually  
 9 transmitted diseases shall be medically and factually accurate according to evidence-based research  
 10 and shall:

11 (1) Present abstinence from sexual activity as the preferred choice of behavior in relation to  
 12 all sexual activity for unmarried pupils because it is the only method that is one hundred percent  
 13 effective in preventing pregnancy, sexually transmitted diseases and the emotional trauma associated  
 14 with adolescent sexual activity, and advise students that teenage sexual activity places them at a  
 15 higher risk of dropping out of school because of the consequences of sexually transmitted diseases  
 16 and unplanned pregnancy;

17 (2) Stress that sexually transmitted diseases are serious, possible, health hazards of sexual  
 18 activity. Pupils shall be provided with the latest medical information regarding exposure to human  
 19 immunodeficiency virus, acquired immune deficiency syndrome (AIDS), human papilloma virus,  
 20 hepatitis and other sexually transmitted diseases;

21 (3) Present students with the latest evidence-based, medically factual information regarding  
 22 both the possible side effects and health benefits of all forms of contraception, including the success  
 23 and failure rates for the prevention of pregnancy and sexually transmitted diseases; or shall present  
 24 students with information on contraceptives and pregnancy in a manner consistent with the  
 25 provisions of the federal abstinence education law, 42 U.S.C. Section 710;

26 (4) Include a discussion of the possible emotional and psychological consequences of  
 27 preadolescent and adolescent sexual activity and the consequences of adolescent pregnancy, as well  
 28 as the advantages of adoption, including the adoption of special needs children, and the processes  
 29 involved in making an adoption plan;

30 (5) Teach skills of conflict management, personal responsibility and positive self-esteem  
 31 through discussion and role-playing at appropriate grade levels to emphasize that the pupil has the  
 32 power to control personal behavior. Pupils shall be encouraged to base their actions on reasoning,  
 33 self-discipline, sense of responsibility, self-control, and ethical considerations, such as respect for  
 34 one's self and others. Pupils shall be taught not to make unwanted physical and verbal sexual  
 35 advances or otherwise exploit another person. Pupils shall be taught to resist unwanted sexual  
 36 advances and other negative peer pressure;

37 (6) Advise pupils of the laws pertaining to their financial responsibility to children born in  
 38 and out of wedlock and advise pupils of the provisions of chapter 566 pertaining to statutory rape;

39 (7) Teach pupils about the dangers of sexual predators, including online predators when  
 40 using electronic communication methods such as the internet, cell phones, text messages, chat  
 41 rooms, email, and instant messaging programs. Pupils shall be taught how to behave responsibly  
 42 and remain safe on the internet and the importance of having open communication with responsible  
 43 adults and reporting any inappropriate situation, activity, or abuse to a responsible adult, and  
 44 depending on intent and content, to local law enforcement, the Federal Bureau of Investigation, or  
 45 the National Center for Missing & Exploited Children's CyberTipline; and

46 (8) Teach pupils about the consequences, both personal and legal, of inappropriate text  
 47 messaging, even among friends.

48 2. Policies concerning referrals and parental notification regarding contraception shall be

1 determined by local school boards or charter schools, consistent with the provisions of section  
2 167.611.

3 3. A school district or charter school which provides human sexuality instruction may  
4 separate students according to gender for instructional purposes.

5 4. The board of a school district or charter school shall determine the specific content of the  
6 district's or school's instruction in human sexuality, in accordance with subsections 1 to 3 of this  
7 section, and shall ensure that all instruction in human sexuality is appropriate to the age of the  
8 students receiving such instruction.

9 5. A school district or charter school shall notify the parent or legal guardian of each student  
10 enrolled in the district or school of:

11 (1) The basic content of the district's or school's human sexuality instruction to be provided  
12 to the student; and

13 (2) The parent's right to remove the student from any part of the district's or school's human  
14 sexuality instruction.

15 6. A school district or charter school shall make all curriculum materials used in the  
16 district's or school's human sexuality instruction available for public inspection pursuant to chapter  
17 610 prior to the use of such materials in actual instruction.

18 7. No school district or charter school, or its personnel or agents, shall provide abortion  
19 services, or permit a person or entity to offer, sponsor, or furnish in any manner any course  
20 materials or instruction relating to human sexuality or sexually transmitted diseases to its students if  
21 such person or entity is a provider of abortion services.

22 8. As used in this section, the following terms mean:

23 (1) "Abortion", the same meaning as such term is defined in section 188.015;

24 (2) "Abortion services":

25 (a) Performing, inducing, or assisting in the performance or inducing of an abortion which  
26 is not necessary to save the life of the mother;

27 (b) Encouraging a patient to have an abortion or referring a patient for an abortion[,] which  
28 is not necessary to save the life of the mother; or

29 (c) Developing or dispensing drugs, chemicals, or devices intended to be used to induce an  
30 abortion which is not necessary to save the life of the mother."; and

31  
32 Further amend said bill by amending the title, enacting clause, and intersectional references  
33 accordingly.