

FIRST REGULAR SESSION

HOUSE BILL NO. 843

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES LAMPE (Sponsor), FRASER, HARRIS (23), DONNELLY, AULL, ROORDA, WALTON, OXFORD, CASEY, BAKER (25), SCHOEMEHL, CHAPPELLE-NADAL, WALLACE, HARRIS (110), YAEGER, LOWE (44), DOUGHERTY, JOLLY, LOW (39), JOHNSON (47) AND BURNETT (Co-sponsors).

Read 1st time March 29, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

1425L.02I

AN ACT

To amend chapter 160, RSMo, by adding thereto two new sections relating to bullying in schools.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 160, RSMo, is amended by adding thereto two new sections, to be known as sections 160.770 and 160.772, to read as follows:

160.770. 1. For purposes of sections 160.770 and 160.772, bullying means any written, oral, or physical act, or gesture, that is reasonably perceived as being motivated by an actual or perceived characteristic such as race, color, religion, national origin, ancestry, sex, sexual orientation, age, disability, familial status, or socioeconomic status, regardless of whether the presumption or assumption as to such characteristic is correct.

2. No student shall be bullied or discriminated against by school employees, volunteers, or students while on school property, at any school function, or on a school bus; nor shall any student be bullied on the basis of the student's association with any individual.

3. No person shall engage in reprisal, retaliation, or false accusation against a victim, witness, or one with reliable information about an act of bullying or discrimination.

4. A school employee or volunteer who has witnessed or has reliable information that a student has been subjected to bullying or discrimination shall report the incident to

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.

14 the appropriate school official.

160.772. 1. Before August 1, 2006, each school district in the state shall adopt a
2 policy prohibiting bullying and discrimination on school property, at school-sponsored
3 functions, and on school buses. The school district shall involve parents and guardians,
4 school employees, volunteers, students, administrators, and community representatives in
5 the process of adopting such policy. A local school district shall have control over the
6 content of the policy, provided the policy contains, at a minimum, the following
7 components:

8 (1) A statement prohibiting bullying and discrimination;

9 (2) A definition of bullying no less inclusive than the definition in subsection 1 of
10 section 160.770;

11 (3) A description of the range of consequences and appropriate remedial action for
12 a person who commits an act of bullying or for a school employee or volunteer who fails
13 to report an act of bullying or discrimination;

14 (4) A procedure for reporting an act of bullying or discrimination, including a
15 provision that permits a person to anonymously report an act of bullying or discrimination,
16 provided that such anonymous report shall not provide the sole basis for proceeding with
17 formal disciplinary action;

18 (5) A procedure for prompt investigation of reports of violations and complaints;

19 (6) A statement that prohibits reprisal or retaliation against any person who
20 reports an act of bullying or discrimination, and a description of the range of consequences
21 and appropriate remedial action for a person who engages in reprisal or retaliation and
22 for a person found to have falsely accused another; and

23 (7) A statement of how the policy is to be publicized, including notice that the policy
24 applies to participation in school-sponsored functions.

25 2. To assist local school districts in developing policies under this section for the
26 prevention of bullying and discrimination, the department of elementary and secondary
27 education shall develop a range of age-appropriate model policies. These model policies
28 shall be issued no later than April 1, 2006.

29 3. A local school district's policy created under this section shall appear in the next
30 scheduled published version of any school district publication that sets forth the
31 comprehensive rules, procedures, and standards of conduct for schools within the district,
32 and in the next scheduled published version of any student and school employee handbook.

33 4. Information regarding a local school district's policy against bullying shall be
34 incorporated into a school's employee and volunteer training program.

35 5. This section and section 160.770 shall not be interpreted to prevent a victim from

36 seeking redress under any other available law, either civil or criminal.

37 (1) Persons who have filed a complaint with a school under section 160.770 or this
38 section shall be advised by the school that civil law remedies, including, but not limited to
39 injunctions, restraining orders, or other remedies or orders may also be available to such
40 persons. The school shall make this information available by publication in appropriate
41 informational materials.

42 (2) Nothing in this section shall be construed to require an exhaustion of the
43 administrative complaint process before civil law remedies may be pursued.

44 (3) A school employee or volunteer who promptly reports an incident of bullying
45 or discrimination to the appropriate school official designated by the local school district's
46 policy, and who makes this report in compliance with the procedure in the district's policy,
47 is immune from a cause of action for damages arising from any failure to remedy the
48 reported incident.