

SECOND REGULAR SESSION

HOUSE BILL NO. 1502

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES LAMPE (Sponsor), WILDBERGER, BURNETT, AULL, OXFORD, CASEY, ROORDA, SWINGER, HUBBARD, KUESSNER, HARRIS (110), WITTE, YAEGER, BOGETTO, DARROUGH, WALSH, WRIGHT-JONES, LeVOTA, SHOEMYER, JOHNSON (90), DONNELLY, MEINERS, JOHNSON (47), YOUNG, BOWMAN, PARSON, SCHAAF, RUCKER, JOHNSON (61), ROBINSON, BOYKINS, VILLA, DAUS AND BAKER (25) (Co-sponsors).

Read 1st time January 24, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

4528L.011

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 obesity, 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.**

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.

12 **4. A school employee or volunteer who witnesses or has reliable information that**
13 **a student has been subjected to bullying or discrimination shall report the incident to the**
14 **appropriate school official.**

160.772. 1. Before August 1, 2008, 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. Such model policies**
28 **shall be issued no later than April 1, 2007.**

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. (1) Section 160.770 and this section shall not be interpreted to prevent a victim**
36 **from seeking redress under any other available law, either civil or criminal.**

37 **(2) 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 available to such persons. The**
40 **school shall make such information available by publication in appropriate informational**
41 **materials.**

42 **(3) 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 **(4) 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 such report in compliance with the procedure in the district's policy**
47 **shall be immune from civil and criminal liability for damages arising from any failure to**
48 **remedy the reported incident.**

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