

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 256,
2 Page 1, Section A, Line 3, by inserting after all of said section and line, the following:

3
4 "160.775. 1. Every district shall adopt an antibullying policy by September 1, 2007.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (d) 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 prevent bullying;

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

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

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

34 6. The state board of education is authorized to promulgate rules and regulations to
35 implement this section and shall develop model policies to assist local school districts in developing
36 policies for the prevention of bullying no later than September 1, 2014. Any rule or portion of a
37 rule, as that term is defined in section 536.010, that is created under the authority delegated in this
38 section shall become effective only if it complies with and is subject to all of the provisions of
39 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if
40 any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the
41 effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the

- 1 grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be
- 2 invalid and void."; and
- 3
- 4 Further amend said bill by amending the title, enacting clause, and intersectional references
- 5 accordingly.