

HCS HBs 1715 & 2630 -- ANTIBULLYING POLICIES (Byrnes)

COMMITTEE OF ORIGIN: Standing Committee on Elementary and Secondary Education

This bill modifies Section 160.775, RSMo, by naming the Section the "Missouri Childhood Hero Act". The bill defines "act of school violence" or "violent behavior" the same as bullying and provides a definition for a "zero-tolerance disciplinary policy".

The bill requires any school bullying policy to include a restriction on zero-tolerance disciplinary policies for any student that is a victim of bullying. A statement regarding any student who engages in self-defense must be considered by the school district or charter school administration when determining any disciplinary action for a student who was responding to an act of school violence or violent behavior committed against the student. The bill requires charter schools to adopt and school districts to update current school bullying policies.

Currently, employee's that witness an incident of bullying must report the incident within two days. This bill lowers the reporting requirement to one day and requires that all reported incidents be submitted in writing. Results of investigations must include a description of any interventions, initiatives, techniques, or discipline provided to all students involved on a standardized form developed by the district.

The policy is required to outline a procedure for responding to an investigation that finds an act of bullying has occurred. The procedure must include notifying the parents of the bullying student and a referral to law enforcement or to the Children's Division, for a student that is under 11 years old, if the investigation finds that the bullying was 2nd degree harassment. Additionally, students committing acts of bullying are included in educational trainings and prevention initiatives.

The bill requires the policy to outline annual mandatory training for any district employee and volunteer that has contact with students; training on appropriate interventions and associated liability for action or inaction must be included in the training.

This bill requires the school administration to report monthly to the school board all acts of bullying, discipline for bullying, and all other disciplinary referrals. The School board must review the monthly report in a closed meeting and address concerns related to reported incidents within 30 days.

The bill provides immunity from liability for any school district employee and volunteer who intervenes in an incident of school violence, violent behavior, or criminal actions against any student that is a victim of bullying; the bill specifies that the employee must follow the proper procedure and act in good faith to intervene under the defense of justification provided under Chapter 563.

The bill provides protection from civil liability for any school district or charter school for disciplinary actions if the procedures were properly followed and if a suit is brought the school may recoup attorney's fees if they prevail.

This bill requires that for reporting requirements for mandated reporters under Section 210.115, bullying, incidents of school violence, and crime, are considered abuse and required to be reported, with protections provided for reporting compliance.

The bill prevents charter schools from expelling or transferring a student out of the school solely due to reports of bullying.