

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for House Bill No. 712, Page 7, Section 160.522, Line 67, by
2 inserting after all of the said section and line the following:

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

5 2. As used in this section, the following terms mean:

6 (1) "Act of school violence" or "violent behavior", the same meaning as in section 160.261;

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[-];

15 (3) "Crime", any of the crimes listed in section 160.261;

16 (4) "Cyberbullying" [~~means~~], bullying as defined in this subsection through the transmission
17 of a communication including, but not limited to, a message, text, sound, or image by means of an
18 electronic device including, but not limited to, a telephone, wireless telephone, or other wireless
19 communication device, computer, or pager.

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

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

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

29 (2) A statement requiring school district or charter school employees to report any instance
30 of bullying of which the employee has firsthand knowledge. The policy shall require a school

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district or charter school employee who witnesses an incident of bullying to report the incident to the school district's or charter school's designated individual at the school within ~~[two]~~ one school ~~[days]~~ day of the employee witnessing the incident;

(3) A statement relating to pupils who engage in self-defense that the school district or charter school administration, when determining disciplinary action for a pupil who has committed an act of school violence or exhibited violent behavior, will take into account if such act of school violence or violent behavior was committed in self-defense as an immediate response to an act of school violence or violent behavior committed against such pupil;

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

~~[(4)]~~ (5) A procedure for prompt investigation of reports of violations and complaints, identifying one or more employees responsible for the investigation including, at a minimum, the following requirements:

(a) Within two school days of a report of an incident of bullying being received, the school principal, or his or her designee, shall initiate an investigation of the incident and ensure that the report is reduced to writing;

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

(c) The investigation shall be completed within ten school days from the date ~~[of the written report]~~ the investigation is initiated under paragraph (a) of this subdivision unless good cause exists to extend the investigation; and

(d) A written report shall be prepared that contains the results of the investigation and any response including, but not limited to, a description of any interventions, initiatives, techniques, or discipline provided to all involved individuals of the incident. The school district or charter school may develop a standardized form to use for such written report;

~~[(5)]~~ (6) A procedure for the response to any investigation that finds an act of bullying occurred. The policy shall, at a minimum, require notification of the parents or guardians of the bullied student and of the bullying student, and, if such bullying meets the elements of harassment in the second degree under section 565.091, referral to law enforcement agencies or to the children's division rather than law enforcement if the bullying student is under eleven years of age;

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

~~[(6)]~~ (8) A statement of how the policy is to be publicized; and

~~[(7)]~~ (9) A process for discussing the district's antibullying policy with students and training school employees and volunteers who have ~~[significant]~~ contact with students in the requirements of the policy, including, at a minimum, the following statements:

1 (a) The school district or charter school shall provide information and appropriate training
 2 to the school district or charter school staff who have ~~[significant]~~ contact with students regarding
 3 the policy including, but not limited to, training on the appropriate interventions staff may take and
 4 the associated liability for action or inaction including, but not limited to, failure to report incidents.
 5 Such training shall be provided as established in section 168.331;

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

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

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

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

26 5. Notwithstanding any other provision of law to the contrary, any school district or charter
 27 school shall have jurisdiction to prohibit cyberbullying that originates on a school's campus or at a
 28 district activity if the electronic communication was made using the school's technological
 29 resources, if there is a sufficient nexus to the educational environment, or if the electronic
 30 communication was made on the school's campus or at a school district or charter school activity
 31 using the student's own personal technological resources. The school district or charter school may
 32 discipline any student for such cyberbullying to the greatest extent allowed by law.

33 6. Each school district and charter school shall review its antibullying policy and revise it as
 34 needed. The school district's school board or charter school's governing board shall receive input
 35 from school personnel, students, and administrators when reviewing and revising the policy.

36 7. (1) The administration of each school district and charter school shall report to the school
 37 board or governing board all acts of bullying, acts of school violence or violent behavior, and crimes
 38 that occurred in between board meetings and the discipline of any pupil who committed such acts.

1 Such report shall be submitted monthly and shall be formatted to clearly describe each such
 2 incident.

3 (2) The school board or governing board shall review such monthly report in a closed
 4 meeting under chapter 610.

5 8. (1) A school district or charter school employee or volunteer may, in the course of
 6 fulfilling duties or performing services for such school district or charter school, intervene in an
 7 incident involving an act of bullying, act of school violence or violent behavior, or crime committed
 8 against a pupil to protect such pupil.

9 (2) Such school district or charter school employee or volunteer shall be held harmless and
 10 immune from any liability for actions described in subdivision (1) of this subsection if:

11 (a) In the course of intervening in such incident, such employee or volunteer follows a
 12 proper procedure for such interventions adopted by the school board of such school district or the
 13 charter school's governing board; or

14 (b) Such employee or volunteer intervenes in good faith and in a manner that such employee
 15 or volunteer reasonably believes is afforded the defense of justification under chapter 563.

16 9. (1) A school district or charter school, or an employee of such district or charter school,
 17 that in good faith imposes disciplinary action under this section upon a bullying student shall not be
 18 civilly liable for such disciplinary action.

19 (2) If a school district or charter school, or an employee of such district or charter school,
 20 prevails in an action brought against such school district, charter school, or employee described in
 21 subdivision (1) of this subsection, the court shall award court costs and attorney's fees to such
 22 prevailing school district, charter school, or employee.

23 10. (1) This section shall not be construed to provide immunity from liability for a school
 24 district's or charter school's denial, or the denial by an employee of such district or charter school, of
 25 any constitutionally protected right of a student.

26 (2) Subdivision (1) of this subsection shall not be construed to limit any immunities or
 27 defenses available under state or federal law to a school district, a charter school, or employees or
 28 volunteers of such school district or charter school.

29 11. (1) For the purposes of reporting requirements under section 210.115, incidents of
 30 bullying, acts of school violence or violent behavior, or crime may be considered abuse.

31 (2) No provision of this section shall be construed to preclude any person from reporting
 32 such abuse and such person shall be afforded the same protections provided under sections 210.135
 33 and 210.145 for reports of abuse in compliance with section 210.115.

34 12. No charter school shall expel or transfer a student to a school district solely due to
 35 reports of bullying made against such student."; and

36
 37 Further amend said bill by amending the title, enacting clause, and intersectional references
 38 accordingly.