

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NOS. 408, 306 & 854

103RD GENERAL ASSEMBLY

1294H.03P

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal section 160.775, RSMo, and to enact in lieu thereof eight new sections relating to safe school environments.

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

Section A. Section 160.775, RSMo, is repealed and eight new sections enacted in lieu thereof, to be known as sections 160.664, 160.775, 160.1052, 160.1053, 160.1054, 160.1055, 162.207, and 167.167, to read as follows:

160.664. 1. As used in this section, the following terms mean:

(1) "Department", the department of elementary and secondary education;

(2) "Local educational agency", as such term is defined in section 161.1085.

2. The department shall establish procedures by which each local educational agency shall regularly report to the department all school safety incidents and credible school safety threats that occur at each attendance center of such local educational agency, including all incidents of school shootings or other incidents involving a firearm, explosive, knife, or other weapon defined in section 571.010 and all credible threats of school shootings or other incidents involving a firearm, explosive, knife, or other weapon defined in section 571.010. The department shall require local educational agencies to report acts of school violence or violent behavior, as such terms are defined in section 160.261, or any crimes required to be reported to law enforcement under section 160.261.

3. The procedures established under subsection 2 of this section shall include, but shall not be limited to, the following elements:

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.

16 **(1) Criteria to assist local educational agencies in determining what constitutes a**
17 **school safety incident or credible school safety threat that is required to be reported to**
18 **the department;**

19 **(2) A time frame within which a local educational agency shall report a school**
20 **safety incident or credible school safety threat after such incident or threat occurs; and**

21 **(3) Any other information that the department requires to be included in each**
22 **report of a school safety incident or credible school safety threat under the provisions of**
23 **this section.**

24 **4. (1) The department shall maintain and regularly update a database of all**
25 **school safety incidents and credible school safety threats that are reported under the**
26 **provisions of this section.**

27 **(2) No record in the database shall contain personally identifiable information of**
28 **a student.**

29 **(3) A record in the database shall contain only aggregate data by charter school,**
30 **school district, or attendance center thereof and shall be a public record subject to**
31 **disclosure under chapter 610.**

32 **(4) The department shall share data relating to school safety incidents and**
33 **credible school safety threats with the state department of public safety to facilitate**
34 **additional investigation efforts conducted by the state department of public safety.**

35 **5. The department may promulgate rules to implement the provisions of this**
36 **section. Any rule or portion of a rule, as that term is defined in section 536.010, that is**
37 **created under the authority delegated in this section shall become effective only if it**
38 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**
39 **section 536.028. This section and chapter 536 are nonseverable and if any of the powers**
40 **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,**
42 **then the grant of rulemaking authority and any rule proposed or adopted after August**
43 **28, 2025, shall be invalid and void.**

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

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

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

5 **(2) "Bullying" [means], intimidation, unwanted aggressive behavior, or harassment**
6 **that is repetitive or is substantially likely to be repeated and causes a reasonable student to**
7 **fear for his or her physical safety or property; substantially interferes with the educational**
8 **performance, opportunities, or benefits of any student without exception; or substantially**
9 **disrupts the orderly operation of the school. Bullying may consist of physical actions,**

10 including gestures, or oral, cyberbullying, electronic, or written communication, and any
11 threat of retaliation for reporting of such acts. Bullying of students is prohibited on school
12 property, at any school function, or on a school bus[-];

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

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

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

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

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

28 (2) A statement requiring **school district or charter school** employees to report any
29 instance of bullying of which the employee has firsthand knowledge. The policy shall require
30 a **school district or charter school** employee who witnesses an incident of bullying to report
31 the incident to the **school district's or charter school's** designated individual at the school
32 within ~~two~~ **one** school ~~days~~ **day** of the employee witnessing the incident;

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

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

44 ~~(4)~~ **(5)** A procedure for prompt investigation of reports of violations and complaints,
45 identifying one or more employees responsible for the investigation including, at a minimum,
46 the following requirements:

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

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

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

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

60 ~~[(5)]~~ (6) **A procedure for the response to any investigation that finds an act of**
61 **bullying occurred. The policy shall, at a minimum, require notification of the parents or**
62 **guardians of the bullied student, and of the bullying student and, if such bullying meets**
63 **the elements of harassment in the second degree under section 565.091, referral to law**
64 **enforcement agencies or to the children's division rather than law enforcement if the**
65 **bullying student is under eleven years of age;**

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

69 ~~[(6)]~~ (8) A statement of how the policy is to be publicized; and

70 ~~[(7)]~~ (9) A process for discussing the district's antibullying policy with students and
71 training school employees and volunteers who have ~~[significant]~~ contact with students in the
72 requirements of the policy, including, at a minimum, the following statements:

73 (a) The school district **or charter school** shall provide information and appropriate
74 training to the school district **or charter school** staff who have ~~[significant]~~ contact with
75 students regarding the policy **including, but not limited to, training on the appropriate**
76 **interventions staff may take and the associated liability for action or inaction including,**
77 **but not limited to, failure to report incidents;**

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

80 (c) The school district **or charter school** shall provide education and information to
81 students regarding bullying, including information regarding the school district **or charter**
82 **school** policy prohibiting bullying, the harmful effects of bullying, and other applicable
83 initiatives to address bullying, including student peer-to-peer initiatives to provide

84 accountability and policy enforcement for those found to have engaged in bullying, reprisal,
85 or retaliation against any person who reports an act of bullying;

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

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

99 5. Notwithstanding any other provision of law to the contrary, any school district **or**
100 **charter school** shall have jurisdiction to prohibit cyberbullying that originates on a school's
101 campus or at a district activity if the electronic communication was made using the school's
102 technological resources, if there is a sufficient nexus to the educational environment, or if the
103 electronic communication was made on the school's campus or at a **school district or charter**
104 **school** activity using the student's own personal technological resources. The school district
105 **or charter school** may discipline any student for such cyberbullying to the greatest extent
106 allowed by law.

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

111 7. (1) **The administration of each school district and charter school shall report**
112 **to the school board or governing board all acts of bullying, acts of school violence or**
113 **violent behavior, and crimes that occurred in between board meetings and the discipline**
114 **of any pupil who committed such acts. Such report shall be submitted monthly and**
115 **shall be formatted to clearly describe each such incident.**

116 (2) **The school board or governing board shall review such monthly report in a**
117 **closed meeting under chapter 610. Discrepancies in such report shall be resolved within**
118 **thirty days of the review and the board, in conjunction with the school administration,**
119 **shall attempt to address and resolve substantiated concerns relating to incidents listed**

120 on such report, as concerns are expressed during such monthly review by school
121 administration or school board or governing board members.

122 8. (1) A school district or charter school employee or volunteer may, in the
123 course of fulfilling duties or performing services for such school district or charter
124 school, intervene in an incident involving an act of bullying, act of school violence or
125 violent behavior, or crime committed against a pupil to protect such pupil.

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

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

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

135 9. (1) A school district or charter school, or an employee of such district or
136 charter school, that in good faith imposes disciplinary action under this section upon a
137 bullying student shall not be civilly liable for such disciplinary action.

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

142 10. (1) This section shall not be construed to provide immunity from liability for
143 a school district's or charter school's denial, or the denial by an employee of such
144 district or charter school, of any constitutionally protected right of a student.

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

148 11. (1) For the purposes of reporting requirements under section 210.115,
149 incidents of bullying, acts of school violence or violent behavior, or crime may be
150 considered abuse.

151 (2) If two or more employees or volunteers who are required to report jointly
152 have knowledge of a known or suspected instance of child abuse, a single report may be
153 made by the school district's or charter school's designated member. Any individual
154 who has knowledge that the individual designated to report has failed to do so shall
155 thereafter immediately make the report. No provision of this section shall be construed
156 to preclude any person from reporting such abuse and such person shall be afforded the

157 same protections provided under sections 210.135 and 210.145 for reports of abuse in
158 compliance with section 210.115.

159 **12. No charter school shall expel or transfer a student to a school district solely**
160 **due to reports of bullying made against such student.**

160.1052. 1. Sections 160.1052 to 160.1055 shall be known and may be cited as
2 **the "Missouri Educators and Parental Empowerment and Rights Act".**

3 **2. As used in sections 160.1052 to 160.1055, the following terms mean:**

4 **(1) "Local educational agency" or "LEA", each:**

5 **(a) School district as defined in section 160.011;**

6 **(b) Charter school as described in section 160.400; and**

7 **(c) Virtual school as described in section 161.670;**

8 **(2) "Parent", a child's parent, legal guardian, or other person having charge,**
9 **control, or custody of the child.**

10 **3. The general assembly hereby recognizes that:**

11 **(1) The collaboration of both parents and teachers has a profound effect on the**
12 **educational success of Missouri's children;**

13 **(2) Education is essential to the preservation of the rights and liberties of the**
14 **people;**

15 **(3) Considering that parents are the first teacher of their child and are uniquely**
16 **qualified to understand and advocate for their child, the state recognizes their**
17 **importance in the education of their children; and**

18 **(4) Considering the years of education and continuous updating of knowledge**
19 **that teachers undertake and achieve, it is important that teachers be given the respect**
20 **such teachers have earned and deserve.**

160.1053. 1. This section shall be known and may be cited as the "Parents' Bill
2 **of Rights".**

3 **2. To foster and maintain collaboration between parents and teachers, parents**
4 **shall have the following rights under this section:**

5 **(1) The right to receive information, upon request, regarding what their minor**
6 **child is being taught in school including, but not limited to, curricula adopted under**
7 **section 160.514;**

8 **(2) The right to review such curricula, upon request, free from any requirement**
9 **to agree to a nondisclosure agreement or other similar form, as allowed by law;**

10 **(3) The right to receive information, upon request, about who is teaching their**
11 **minor child including, but not limited to, guest lecturers and outside presenters;**

12 **(4) The right to receive information, upon request, about individuals and**
13 **organizations receiving LEA contracts and funding in the LEA in which their minor**

14 **child is enrolled, except that no personally identifiable information about any student**
15 **shall be released;**

16 **(5) The right to visit the school their minor child attends during school hours in**
17 **accordance with reasonable regulations created under section 160.1055;**

18 **(6) The right to view and, upon request, receive a copy of all school records,**
19 **medical or otherwise, concerning their minor child, in accordance with state and federal**
20 **law;**

21 **(7) The right to receive information, upon request, about the collection of their**
22 **minor child's data and the transmission of such data to entities outside the LEA;**

23 **(8) The right to have an LEA governing board that is open, transparent, and**
24 **accountable to the patrons of the LEA under state and federal laws;**

25 **(9) The right to be informed regarding situations affecting their minor child's**
26 **safety in school, in accordance with section 160.1055;**

27 **(10) The right to provide authorization for their minor child to participate in**
28 **field trips; and**

29 **(11) The right to be free from their minor child being encouraged or**
30 **experiencing any attempt at coercion to withhold information from such minor child's**
31 **parents by an LEA employee, except that any such employee required to report**
32 **suspected abuse or neglect under sections 210.109 to 210.183 may encourage a minor**
33 **child to withhold information where disclosure could reasonably result in abuse or**
34 **neglect.**

160.1054. 1. This section shall be known and may be cited as the "Educators'
2 **Bill of Rights".**

3 **2. To foster and maintain collaboration between teachers and parents, each**
4 **teacher has the following rights under this section:**

5 **(1) The right to be free from physical abuse from a student. Such abuse is**
6 **grounds for the suspension or expulsion of the student as provided in chapter 167;**

7 **(2) The right to be free from physical abuse from a parent and to be protected**
8 **from oral, written, or electronically generated threats of harm. Such abuse is grounds**
9 **for the prohibition of the physical presence of the perpetrator of such abuse on the**
10 **LEA's property and at the LEA's events and may result in other legal actions taken by**
11 **such teacher;**

12 **(3) The right to be evaluated for competency by an administrator under board**
13 **policy and, upon request, to be assigned a peer mentor to observe and coach the teacher;**

14 **(4) The right to exercise the freedom of speech, religion, and the expression of**
15 **such teacher's opinions as is guaranteed by the Constitution of the United States;**

16 **(5) The right to be treated with civility and respect as a professional;**

17 **(6) The right to be given regularly scheduled preparation time during contract**
18 **hours;**

19 **(7) The right to teach protected by official immunity, as provided by state law,**
20 **and to be covered by LEA insurance for work-related duties;**

21 **(8) The right to have the opportunity to implement a discipline plan in the**
22 **classroom as allowed in section 160.1055 and to have the opportunity to provide the**
23 **administration with such teacher's professional opinion regarding the discipline of a**
24 **student;**

25 **(9) The right to be considered a professional, with all the appropriate rights,**
26 **responsibilities, and privileges afforded to other recognized professions, in accordance**
27 **with section 168.011;**

28 **(10) The right to teach in a safe, secure, and orderly environment that is**
29 **conducive to learning and to report any concerns regarding the safety and security of**
30 **the teaching environment and receive a response from the LEA;**

31 **(11) The right to intervene for the protection of pupils in incidents of school**
32 **violence and be entitled to all defenses to criminal charges available to the intervenor**
33 **under chapter 563; and**

34 **(12) If such teacher is a beginning teacher, the right to receive leadership and**
35 **support in accordance with beginning teacher assistance programs as provided in state**
36 **law.**

160.1055. 1. Each local educational agency shall develop policies and procedures
2 **for such LEA to follow to accommodate and assist parents and teachers in the exercise**
3 **of the rights described in sections 160.1052 to 160.1055.**

4 **2. Each LEA's governing board shall affirm the board's commitment to ensuring**
5 **sufficient and effective accountability and transparency to parents in the LEA's**
6 **jurisdiction by adopting policies that:**

7 **(1) Recognize and affirm the protected right of parents to guide the education of**
8 **their minor child;**

9 **(2) Encourage communication between parents and the LEA relating to parental**
10 **rights and parental concerns about their minor child's education and educational**
11 **experience through the LEA's community engagement initiatives required under**
12 **162.058; and**

13 **(3) Collaborate with parents to identify ways in which parents can exercise**
14 **parental rights and communicate such ways to parents in a clear, consistent manner that**
15 **can be easily understood by all parents.**

16 **3. Each local educational agency shall notify parents in a timely manner if their**
17 **child is involved in a safety incident in which a school employee is charged with a crime.**

18 **4. Each local educational agency shall provide prompt notification to parents of**
19 **any serious disciplinary incidents involving their child and shall offer a meeting or**
20 **conference to discuss the behavior and outline steps for correction and improvement.**

21 **5. (1) Each local educational agency shall adopt reasonable procedures for**
22 **parents to follow when visiting their minor child during school hours.**

23 **(2) Each local educational agency shall adopt reasonable procedures for parents**
24 **to follow:**

25 **(a) During an emergency in which the safety of the students requires:**

26 **a. A lockdown to limit exposure of building occupants to an imminent hazard or**
27 **threat; or**

28 **b. A lockout to prevent an outside hazard or threat from entering the building;**
29 **or**

30 **(b) When such local educational agency is required to prohibit an individual**
31 **from having any interaction with a minor child due to an order entered under any**
32 **provision of state or federal law restricting or prohibiting such individual from**
33 **interacting with such minor child or the LEA has otherwise prohibited the individual**
34 **from accessing school property or events.**

35 **6. (1) Teachers, school administrators, parents, and students shall be fully**
36 **informed of the rights conferred upon parents and teachers under sections 160.1052 to**
37 **160.1055. Each LEA shall provide a physical or electronic copy of sections 160.1052 to**
38 **160.1055 to each parent, teacher, and student at the beginning of each school year.**

39 **(2) Each local educational agency shall post the rights listed in sections 160.1052**
40 **to 160.1055 on such LEA's website or provide a printed copy if no website exists.**

41 **7. (1) Each local educational agency shall adopt, enforce, publicly post, and**
42 **annually review a code of student conduct as described in sections 160.1052 to 160.1055.**

43 **(2) Such code of conduct shall promote safe, respectful, and orderly learning**
44 **environments by reinforcing teacher authority in maintaining classroom discipline and**
45 **enhancing parental involvement in student behavioral issues and shall set forth**
46 **expectations for behavior consistent with ethical responsibility, community standards,**
47 **and regard for school authority.**

48 **(3) Each local educational agency shall adopt such code of student conduct for**
49 **the 2026-27 school year and all subsequent school years.**

50 **(4) The state department of elementary and secondary education may offer**
51 **guidance and technical assistance to local educational agencies to ensure compliance.**
52 **The department shall not impose undue burdens or mandates on such LEAs.**

53 **8. The code of student conduct required under subsection 7 of this section shall:**

54 **(1) Reinforce respect for teachers, administrators, and staff, emphasizing that**
55 **willful disobedience or disregard toward school personnel is not tolerated;**

56 **(2) Promote high expectations of personal responsibility, encouraging students to**
57 **uphold values such as honesty, diligence, and civility;**

58 **(3) Include measures to address and correct disruptive behavior promptly,**
59 **ensuring that teachers have the necessary authority and support to remove students**
60 **from classrooms when warranted, in accordance with training provided by the LEA;**

61 **(4) Outline a system of graduated consequences for misconduct, balanced by**
62 **opportunities for students to develop personal resilience and reflect on their actions**
63 **through LEA-approved interventions;**

64 **(5) Require parental notification and involvement in significant disciplinary**
65 **actions, ensuring that parents have timely information and opportunities to engage with**
66 **teachers and administrators; and**

67 **(6) Clearly prohibit any policy or program that differentiates treatment of**
68 **students primarily on the basis of race alone, ensuring that all disciplinary measures are**
69 **applied equally and fairly to every student.**

70 **9. (1) A local educational agency may, at such LEA's discretion and with the**
71 **LEA's governing board's approval, incorporate evidence-based training for teachers**
72 **and counselors on strategies to guide students toward personal resilience.**

73 **(2) Such strategies may include:**

74 **(a) Encouraging personal responsibility and self-management;**

75 **(b) Providing students with opportunities to develop coping skills, conflict**
76 **resolution techniques, and appropriate responses to authority; and**

77 **(c) Using school counselors or other qualified personnel to offer supportive**
78 **interventions that emphasize respect for self and others, problem solving, and**
79 **perseverance.**

80 **(3) The content and method of delivering such strategies shall not reference or**
81 **require any training or curriculum primarily focused on race, gender, or other similar**
82 **classifications. Such strategies shall emphasize universal community standards that**
83 **benefit all students equally.**

84 **10. Each local educational agency shall ensure that teachers and staff are trained**
85 **in methods to maintain order, encourage compliance, foster civility, and encourage**
86 **personal responsibility.**

87 **11. Each local educational agency shall make efforts to facilitate parental**
88 **engagement through regular communication, opportunities for parents to review and**
89 **understand the policy handbook, and the provision of resources that support ethical**
90 **responsibility and community standards at home.**

91 **12. Each LEA's governing board shall adopt such policies and procedures**
92 **required by this section for the 2026-27 school year and all subsequent school years.**

93 **13. No LEA shall establish policies that prevent a parent or teacher from**
94 **exercising the applicable rights listed in sections 160.1052 to 160.1055 or any other**
95 **provision of law.**

96 **14. No provision of sections 160.1052 to 160.1055 shall be construed to supersede**
97 **any other federal or state law or any regulation or policy adopted by the state**
98 **department of elementary and secondary education or the state board of education.**

99 **15. No provision of sections 160.1052 to 160.1055 shall be construed to supersede**
100 **any LEA's order, ordinance, or policy relating to the discipline of students.**

162.207. 1. As used in this section, "electronic personal communications device"
2 **means a portable device that is used to initiate, receive, store, or view communication,**
3 **information, images, or data electronically.**

4 **2. (1) For the 2026-27 school year and all subsequent school years, each school**
5 **district and charter school governing board shall adopt a written policy governing a**
6 **student's possession or use of an electronic personal communications device.**

7 **(2) Such school district or governing board shall develop and design such policy**
8 **to promote the educational interests of students and to provide a safe and effective**
9 **working environment for school employees and volunteers.**

10 **3. At a minimum, such policy:**

11 **(1) Shall prohibit a student from using an electronic personal communications**
12 **device from the beginning of the school day until the end of the school day during**
13 **regularly scheduled instructional time and during meal times, provided that such policy**
14 **defines instructional time;**

15 **(2) May prohibit a student from using an electronic personal communications**
16 **device during breaks from regularly scheduled instructional time including, but not**
17 **limited to, time between classes, study halls, and field trips;**

18 **(3) Shall describe the disciplinary procedures and measures that will be taken if**
19 **a student violates the policy; and**

20 **(4) (a) Shall provide exceptions to the prohibition that allow the display and use**
21 **of an electronic personal communications device by a student when the use of such**
22 **device is required during regularly scheduled instructional activities for the following:**

23 **a. An individualized education program, or IEP, as such term is defined in 20**
24 **U.S.C. Section 1401, as amended;**

25 **b. A 504 plan created under Section 504 of the federal Rehabilitation Act of**
26 **1973, 29 U.S.C. Section 794, as amended;**

27 **c. An individualized emergency health care plan or an individualized health care**
28 **plan established under section 167.625;**

29 **d. The Americans with Disabilities Act, 42 U.S.C. Section 12101 et seq., as**
30 **amended;**

31 **e. The Rehabilitation Act of 1973, 29 U.S.C. Section 701 et seq., as amended;**

32 **f. The federal Civil Rights Act of 1964; or**

33 **g. The federal Equal Educational Opportunities Act of 1974, 20 U.S.C. Section**
34 **1701 et seq., regarding English language learners, as such term is defined in 29 U.S.C.**
35 **Section 3102, as amended.**

36 **(b) Such exceptions may include when the use of such device is allowable for the**
37 **following:**

38 **a. In the case of an emergency; and**

39 **b. When directed to use such device for an educational purpose with**
40 **authorization as directed by established board policies.**

41 **4. Each school district and charter school governing board shall publish the**
42 **policy upon demand.**

43 **5. A school district or charter school employee or volunteer shall be held**
44 **harmless and immune from any liability for actions taken under this section if such**
45 **employee or volunteer acts in good faith and follows the proper disciplinary procedures**
46 **and measures adopted under this section by the school board or charter school**
47 **governing board.**

48 **6. The provisions of this section shall expire on August 28, 2032.**

167.167. Each school district shall prohibit, in name and practice, any zero-
2 **tolerance disciplinary policy or practice of discipline that results in an automatic**
3 **disciplinary consequence against a pupil without the discretion to modify such**
4 **disciplinary consequence on a case-by-case basis, such as automatic detention,**
5 **suspension, or expulsion or the automatic imposition of other disciplinary measures.**

✓