

By: Dutton

H.B. No. 936

A BILL TO BE ENTITLED

AN ACT

relating to the prevention of harassment in public schools.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. This Act may be cited as Corrine's Law.

SECTION 2. Chapter 37, Education Code, is amended by adding Subchapter H to read as follows:

SUBCHAPTER H. HARASSMENT

Sec. 37.251. DEFINITION. In this subchapter, "harassment" means an intentional threatening, insulting, or dehumanizing physical act, gesture, or written or oral expression, including an expression made through an electronic medium, by a person directed against a student or school employee or volunteer that the person knows or reasonably should know will:

(1) place the student or school employee or volunteer in reasonable fear of harm to the student's, employee's, or volunteer's person or damage to the student's, employee's, or volunteer's property; or

(2) because of the severity, persistence, or pervasiveness of the action or expression, create an intimidating, threatening, or abusive educational environment for the student or school employee or volunteer, including by interference with a student's educational performance, opportunities, or benefits or a substantial disruption of the orderly operation of a school.

Sec. 37.252. SCHOOL DISTRICT POLICY PROHIBITING

1 HARASSMENT. (a) A school district board of trustees shall adopt a  
2 policy prohibiting harassment:

3 (1) on school property;

4 (2) at a school-sponsored or school-related activity  
5 or other educational program or activity conducted by the district  
6 or a district school;

7 (3) in a school vehicle or at a designated school bus  
8 stop; or

9 (4) through the use of school district technology.

10 (b) The harassment policy adopted under this section must  
11 include:

12 (1) a definition of harassment that complies with the  
13 definition provided under Section 37.251;

14 (2) a description of the possible consequences and  
15 disciplinary actions that may result from committing an act of  
16 harassment;

17 (3) a statement prohibiting retaliation against a  
18 person who reports an act of harassment;

19 (4) a description of the possible consequences and  
20 disciplinary actions that may result from an allegation of  
21 harassment made in bad faith;

22 (5) a strategy for protecting a victim of harassment  
23 from further harassment and retaliation;

24 (6) a procedure for reporting an act of harassment,  
25 including a provision that allows a person to anonymously report an  
26 act of harassment;

27 (7) a procedure for responding to, promptly

1 investigating, and documenting a report of harassment;

2 (8) a statement designating the school official who  
3 will be responsible for investigating a report of harassment;

4 (9) a process for determining whether an investigation  
5 of a report of harassment is the responsibility of the school  
6 district and, if not, a process for referring the report to the  
7 appropriate investigating authority;

8 (10) a procedure for referring victims and  
9 perpetrators of harassment to counseling;

10 (11) a requirement that a parent of a student who is a  
11 victim of harassment be notified of:

12 (A) the incident;

13 (B) any disciplinary action taken against the  
14 perpetrator, to the extent permitted under the Family Educational  
15 Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g); and

16 (C) any action taken by the district to prevent  
17 further acts of harassment by the perpetrator;

18 (12) a procedure for instructing students, parents,  
19 and school employees and volunteers on identifying, preventing, and  
20 responding to an act of harassment; and

21 (13) a statement encouraging students and school  
22 employees and volunteers who have witnessed or have reliable  
23 information that a student or school employee or volunteer has been  
24 subject to harassment to report the incident to the appropriate  
25 designated school official.

26 (c) The harassment policy adopted under this section:

27 (1) must grant all students and school employees and

volunteers the same protection, regardless of the legal status of a student or school employee or volunteer;

(2) must be integrated with the curriculum, discipline policies, and other violence prevention efforts of the school district; and

(3) may not allow a formal disciplinary action to be taken solely on the basis of an anonymous report.

(d) A school district shall provide public notice of the harassment policy adopted under this section.

(e) The harassment policy adopted under this section must be included in the student code of conduct adopted under Section 37.001 and in any school district employee manual.

Sec. 37.253. MODEL POLICY. The agency shall develop a model policy that meets the requirements of Sections 37.252(a)-(c) and shall publish the policy:

(1) on the agency's Internet website; and

(2) in any agency publication that states the rules, procedures, and standards of conduct for public schools in this state.

Sec. 37.254. TRAINING AND EDUCATIONAL PROGRAMS. (a) A school district shall implement programs designed to prevent harassment and educate students and school employees and volunteers about the district's harassment policy, including training programs for school employees and volunteers who have direct contact with students, and educational programs for students.

(b) A school district may incorporate the training required under this section into an existing employee training program.

1       Sec. 37.255. IMMUNITY FROM LIABILITY. (a) A student,  
2 parent, or school employee or volunteer is not personally liable  
3 for reporting an alleged act of harassment if the person:

4           (1) reports the act of harassment promptly and in good  
5 faith;

6           (2) makes the report to the appropriate school  
7 official designated in the school district's harassment policy; and

8           (3) makes the report in compliance with the procedures  
9 provided in the school district harassment policy.

10       (b) A school official is not personally liable for failing  
11 to remedy a reported incident of harassment.

12       Sec. 37.256. REMEDY; PROHIBITED DEFENSE. (a) This  
13 subchapter:

14           (1) does not create a cause of action or alter an  
15 existing cause of action; and

16           (2) may not be construed to prevent a victim of  
17 harassment from seeking a remedy under another provision of civil  
18 or criminal law.

19       (b) The physical location or time of access of an act of  
20 harassment made through the use of school district technology may  
21 not be raised as a defense in a criminal action or disciplinary  
22 proceeding relating to the act of harassment.

23       Sec. 37.257. REPORT. (a) Not later than August 1 of each  
24 year, a school district shall provide the agency with a report  
25 listing, for the preceding school year:

26           (1) each reported incident of harassment that resulted  
27 in disciplinary action; and

1           (2) each reported incident of harassment that was  
2 determined to be false or not prohibited under this subchapter.

3           (b) A report submitted under Subsection (a) may not identify  
4 any person involved in an actual or alleged incident of harassment.  
5 The agency shall post each school district's report on the agency's  
6 Internet website.

7           (c) The agency shall include a summary of the information  
8 provided to the agency under Subsection (a) in the report required  
9 under Section 39.182.

10           SECTION 3. Section 37.001(b)(1), Education Code, is  
11 amended to read as follows:

12           (1) "Harassment" has the meaning assigned by Section  
13 37.251 ~~[means threatening to cause harm or bodily injury to another~~  
14 ~~student, engaging in sexually intimidating conduct, causing~~  
15 ~~physical damage to the property of another student, subjecting~~  
16 ~~another student to physical confinement or restraint, or~~  
17 ~~maliciously taking any action that substantially harms another~~  
18 ~~student's physical or emotional health or safety]~~.

19           SECTION 4. (a) Not later than January 1, 2010, the Texas  
20 Education Agency shall adopt a model harassment policy as required  
21 by Section 37.253, Education Code, as added by this Act.

22           (b) Not later than August 1, 2010, a school district board  
23 of trustees shall adopt a policy prohibiting harassment as required  
24 by Section 37.252, Education Code, as added by this Act. The policy  
25 applies beginning with the 2010-2011 school year unless the board  
26 of trustees specifies an earlier date.

27           SECTION 5. This Act takes effect immediately if it receives

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1 a vote of two-thirds of all the members elected to each house, as  
2 provided by Section 39, Article III, Texas Constitution. If this  
3 Act does not receive the vote necessary for immediate effect, this  
4 Act takes effect September 1, 2009.