

By: Strama, Gonzales, Anchia, Pierson,  
et al.

H.B. No. 1323

Substitute the following for H.B. No. 1323:

By: Weber

C.S.H.B. No. 1323

A BILL TO BE ENTITLED

AN ACT

relating to bullying and harassment in public schools.

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

SECTION 1. The heading to Section 25.0342, Education Code,  
is amended to read as follows:

Sec. 25.0342. TRANSFER OF STUDENTS WHO ARE VICTIMS OF OR  
HAVE ENGAGED IN BULLYING.

SECTION 2. Section 25.0342, Education Code, is amended by  
amending Subsections (a), (c), and (e) and adding Subsections (b-1)  
and (b-2) to read as follows:

(a) In this section, "bullying" means engaging in physical  
conduct or written or verbal expression, including expression  
through electronic means, on or off of school property, [~~or~~  
~~physical conduct~~] that a school district board of trustees or the  
board's designee determines:

(1) will have the effect of physically harming a  
student, damaging a student's property, or placing a student in  
reasonable fear of harm to the student's person or of damage to the  
student's property; [~~or~~]

(2) is sufficiently severe, persistent, or pervasive  
enough that the action or threat creates an intimidating,  
threatening, or abusive educational environment for a student; or

(3) substantially disrupts the orderly operation of a  
school.

1        (b-1) On the request of a parent or other person with  
2 authority to act on behalf of a student who is a victim of bullying,  
3 the board of trustees of a school district or the board's designee  
4 may transfer the student who engaged in bullying to:

5            (1) another classroom at the campus to which the  
6 victim was assigned at the time the bullying occurred; or

7            (2) a campus in the district other than the campus to  
8 which the victim was assigned at the time the bullying occurred.

9        (b-2) To the extent practicable, the board of trustees and  
10 each district educator with knowledge of the request shall keep a  
11 request received under Subsection (b) or (b-1) confidential.

12        (c) The board of trustees or the board's designee shall  
13 verify that a student has been a victim of or has engaged in  
14 bullying, as applicable, before transferring the student under this  
15 section.

16        (e) The determination by the board of trustees or the  
17 board's designee under Subsection (c) is final and may not be  
18 appealed.

19        SECTION 3. Section 37.001(b), Education Code, is amended to  
20 read as follows:

21        (b) In this section:

22            (1) "Bullying" has the meaning assigned by Section  
23 25.0342.

24            (2) "Harassment" means threatening to cause harm or  
25 bodily injury to another student, engaging in sexually intimidating  
26 conduct, causing physical damage to the property of another  
27 student, subjecting another student to physical confinement or

1 restraint, or maliciously taking any action that substantially  
2 harms another student's physical or emotional health or safety.

3 (3) [~~(2)~~] "Hit list" means a list of people targeted  
4 to be harmed, using:

5 (A) a firearm, as defined by Section 46.01(3),  
6 Penal Code;

7 (B) a knife, as defined by Section 46.01(7),  
8 Penal Code; or

9 (C) any other object to be used with intent to  
10 cause bodily harm.

11 SECTION 4. Section 37.083, Education Code, is amended to  
12 read as follows:

13 Sec. 37.083. DISCIPLINE MANAGEMENT PROGRAMS; BULLYING AND  
14 SEXUAL HARASSMENT POLICIES. (a) Each school district shall adopt  
15 and implement a discipline management program to be included in the  
16 district improvement plan under Section 11.252. The program must  
17 provide for prevention of and education concerning bullying,  
18 unwanted physical or verbal aggression, and sexual harassment [~~and~~  
19 ~~other forms of bullying in school, on school grounds, and in school~~  
20 ~~vehicles~~].

21 (b) Each school district shall [~~may~~] develop and implement a  
22 bullying and sexual harassment prevention policy to be included in  
23 the district improvement plan under Section 11.252. The policy  
24 must provide for:

25 (1) the instruction of students regarding the elements  
26 of bullying and sexual harassment;

27 (2) the action students should take in case of

1 bullying or sexual harassment, including reporting an incident; and  
2 (3) the notification of the parents or guardians of  
3 each student involved in an incident of bullying or sexual  
4 harassment.

5 SECTION 5. Section 39.053(a), Education Code, is amended to  
6 read as follows:

7 (a) Each board of trustees shall publish an annual report  
8 describing the educational performance of the district and of each  
9 campus in the district that includes uniform student performance  
10 and descriptive information as determined under rules adopted by  
11 the commissioner. The annual report must also include:

12 (1) campus performance objectives established under  
13 Section 11.253 and the progress of each campus toward those  
14 objectives, which shall be available to the public;

15 (2) the performance rating for the district as  
16 provided under Section 39.072(a) and the performance rating of each  
17 campus in the district as provided under Section 39.072(c);

18 (3) the district's current special education  
19 compliance status with the agency;

20 (4) a statement of the number, rate, and type of  
21 incidents of bullying, harassment, sexual harassment,  
22 discrimination, and violent or criminal incidents against any  
23 student on the basis of the actual or perceived race, ethnicity,  
24 color, religion, gender, gender identity or expression, sexual  
25 orientation, national origin, or disability of the alleged  
26 perpetrator or victim that occurred on each district campus, to the  
27 extent permitted under the Family Educational Rights and Privacy

1 Act of 1974 (20 U.S.C. Section 1232g);

2 (5) information concerning bullying, harassment,  
3 sexual harassment, and school violence prevention and ~~[violence]~~  
4 intervention policies and procedures that the district is using to  
5 protect students; ~~[and]~~

6 (6) the findings that result from evaluations  
7 conducted under the Safe and Drug-Free Schools and Communities Act  
8 ~~[of 1994]~~ (20 U.S.C. Section 7101 et seq.) ~~[and its subsequent~~  
9 ~~amendments]~~; and

10 (7) information received under Section 51.403(e) for  
11 each high school campus in the district, presented in a form  
12 determined by the commissioner.

13 SECTION 6. This Act applies beginning with the 2009-2010  
14 school year.

15 SECTION 7. This Act takes effect immediately if it receives  
16 a vote of two-thirds of all the members elected to each house, as  
17 provided by Section 39, Article III, Texas Constitution. If this  
18 Act does not receive the vote necessary for immediate effect, this  
19 Act takes effect September 1, 2009.