

By: West

S.B. No. 1725

A BILL TO BE ENTITLED

AN ACT

relating to preventing bullying and harassment against public school students.

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

SECTION 1. Subchapter A, Chapter 22, Education Code, is amended by adding Section 22.010 to read as follows:

Sec. 22.010. REPORTS AND RETALIATION CONCERNING BULLYING OR HARASSMENT; IMMUNITY FROM SUIT AND LIABILITY. (a) In this section:

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

(2) "Harassment" has the meaning assigned by Section 37.001(b).

(b) A school district employee or volunteer who witnesses a student being bullied or harassed or has reliable information that a student is a victim of bullying or harassment may report the incident or information to the appropriate district employee in accordance with district policy.

(c) A school district employee or volunteer who promptly provides a report under Subsection (b) in accordance with school district policy is immune from suit and from civil liability arising from any failure to remedy the bullying or harassment about which the report was made.

SECTION 2. Section 25.0342(a), Education Code, is amended to read as follows:

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

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

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

12 (3) is communicated in a manner likely to cause a
13 disruption to the educational environment of a campus.

14 SECTION 3. Section 37.001, Education Code, is amended by
15 amending Subsection (b) and adding Subsection (b-3) to read as
16 follows:

17 (b) In this section:

18 (1) "Bullying" has the meaning assigned by Section
19 25.0342.

20 (2) "Harassment" means threatening to cause harm or
21 bodily injury to another student, engaging in sexually intimidating
22 conduct, causing physical damage to the property of another
23 student, subjecting another student to physical confinement or
24 restraint, or maliciously taking any action, on or off of school
25 property, that substantially harms another student's physical or
26 emotional health or safety.

27 (3) ~~(2)~~ "Hit list" means a list of people targeted

1 to be harmed, using:

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

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

6 (C) any other object to be used with intent to
7 cause bodily harm.

8 (b-3) In connection with prohibiting bullying and
9 harassment under Subsection (a)(7), the student code of conduct
10 also must provide that a student:

11 (1) who witnesses another student being bullied or
12 harassed or has reliable information that another student is a
13 victim of bullying or harassment may report the incident or
14 information to the appropriate district employee in accordance with
15 district policy; and

16 (2) may not retaliate against a victim of, witness to,
17 or person with reliable information concerning bullying or
18 harassment.

19 SECTION 4. Section 37.083, Education Code, is amended to
20 read as follows:

21 Sec. 37.083. DISCIPLINE MANAGEMENT PROGRAMS; BULLYING AND
22 [SEXUAL] HARASSMENT PREVENTION POLICIES. (a) In this section:

23 (1) "Bullying" has the meaning assigned by Section
24 25.0342.

25 (2) "Harassment" has the meaning assigned by Section
26 37.001(b).

27 (b) Each school district shall adopt and implement a

1 discipline management program to be included in the district
2 improvement plan under Section 11.252. The program must provide
3 for prevention of and education concerning bullying, including
4 unwanted physical and ~~or~~ verbal aggression, and ~~sexual~~
5 harassment, on and off of ~~[, and other forms of bullying in]~~ school
6 property ~~[, on school grounds, and in school vehicles]~~. The program
7 may provide for a bullying and harassment prevention task force
8 composed of the district-level planning and decision-making
9 committee established under Section 11.251, students, district
10 volunteers, and representatives of law enforcement.

11 (c) ~~(b)~~ Each school district shall ~~may~~ develop and
12 implement a bullying and ~~sexual~~ harassment prevention policy to
13 be included in the district improvement plan under Section 11.252.
14 The policy must be developed in consultation with the
15 district-level planning and decision-making committee, students,
16 and district volunteers.

17 (d) The policy developed under Subsection (c) may include:

18 (1) a statement prohibiting bullying and harassment,
19 on or off of school property;

20 (2) definitions of bullying and harassment consistent
21 with the definitions provided under Subsection (a);

22 (3) a description of the type of behavior relating to
23 bullying and harassment from which a student is expected to
24 refrain;

25 (4) a procedure for reporting bullying and harassment,
26 including a procedure for making a report anonymously that
27 prohibits disciplinary action against a student for bullying or

1 harassment solely on the basis of an anonymous report;

2 (5) a procedure for prompt investigation of a report
3 under Subdivision (4);

4 (6) a statement of the manner in which a district will
5 respond to a confirmed act of bullying or harassment;

6 (7) a statement of the consequences, including
7 remedial action, for a student who engages in bullying or
8 harassment;

9 (8) a statement prohibiting retaliation against a
10 person who reports bullying or harassment;

11 (9) a statement of the consequences, including
12 appropriate remedial action, for a student who engages in
13 retaliation described by Subdivision (8);

14 (10) a statement of the consequences, including
15 remedial action, for a student who, as a means of retaliation,
16 bullying, or harassment, falsely accuses another of bullying or
17 harassment;

18 (11) a statement of the manner in which the policy,
19 including the application of the policy on or off of school
20 property, is to be publicized in the district; and

21 (12) a statement of the job titles of school district
22 personnel, including campus personnel, responsible for enforcing
23 the policy.

24 SECTION 5. This Act applies beginning with the 2009-2010
25 school year.

26 SECTION 6. This Act takes effect immediately if it receives
27 a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect September 1, 2009.