

By: Marquez

H.B. No. 1348

A BILL TO BE ENTITLED

AN ACT

relating to policies, procedures, and training to address bullying of public school students.

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

SECTION 1. Section 25.0342(a), Education Code, is amended to read as follows:

(a) In this section, "bullying" has the meaning assigned by Section 37.0832 ~~[means engaging in written or verbal expression 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].~~

SECTION 2. Section 37.001(b), Education Code, is amended to read as follows:

(b) In this section:

(1) "Bullying" has the meaning assigned by Section 37.0832.

(2) "Harassment" means threatening to cause harm or bodily injury to another student, engaging in sexually intimidating

1 conduct, causing physical damage to the property of another
2 student, subjecting another student to physical confinement or
3 restraint, or maliciously taking any action that substantially
4 harms another student's physical or emotional health or safety.

5 (3) [~~(2)~~] "Hit list" means a list of people targeted
6 to be harmed, using:

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

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

11 (C) any other object to be used with intent to
12 cause bodily harm.

13 SECTION 3. Section 37.083(a), Education Code, is amended to
14 read as follows:

15 (a) Each school district shall adopt and implement a
16 discipline management program to be included in the district
17 improvement plan under Section 11.252. The program must provide
18 for prevention of and education concerning unwanted physical or
19 verbal aggression and [~~7~~] sexual harassment [~~7~~, ~~and other forms of~~
20 ~~bullying~~] in school, on school grounds, and in school vehicles.

21 SECTION 4. Subchapter C, Chapter 37, Education Code, is
22 amended by adding Section 37.0832 to read as follows:

23 Sec. 37.0832. BULLYING, INCLUDING CYBERBULLYING: POLICIES,
24 PROCEDURES, AND TRAINING. (a) In this section:

25 (1) "Bullying":

26 (A) means engaging in written or verbal
27 expression or physical conduct, including an action motivated by a

1 perceived imbalance of power based on another student's actual or
2 perceived personal characteristics, behavior, beliefs, or
3 citizenship status or by another student's association with a third
4 person and based on the third person's characteristics, behavior,
5 beliefs, or citizenship status, that:

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

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

13 (iii) interferes with a student's
14 educational opportunities; or

15 (iv) substantially disrupts the orderly
16 operation of a school; and

17 (B) includes cyberbullying.

18 (2) "Cyberbullying" means bullying that is done using
19 electronic communication, including electronic media.

20 (b) This section applies to bullying that:

21 (1) occurs on or is delivered to school property or to
22 the site of a school-sponsored or school-related activity on or off
23 school property; or

24 (2) occurs off school property or outside of a
25 school-sponsored or school-related activity, if the conduct
26 interferes with a student's educational opportunities or
27 substantially disrupts the orderly operation of a school or

1 school-sponsored or school-related activity.

2 (c) The board of trustees of each school district shall
3 adopt a policy concerning bullying that:

4 (1) prohibits bullying of a student;

5 (2) prohibits retaliation against any person,
6 including a victim, a witness, or another person, who in good faith
7 provides information concerning an incident of bullying;

8 (3) provides for the appropriate intervention for a
9 student who engages in bullying or falsely accuses another of
10 bullying;

11 (4) requires each school principal or the principal's
12 designee to develop a campus strategy for protecting each campus
13 student from being bullied or related retaliation that includes
14 imposing appropriate discipline to reduce the risk of incidents of
15 bullying and offering appropriate assistance to a victim of
16 bullying or a student engaging in bullying;

17 (5) establishes a procedure for reporting an incident
18 of bullying within a district and on each district campus that
19 specifies the action a student should take in case of bullying; and

20 (6) addresses any other issue concerning bullying that
21 the board of trustees determines to be appropriate.

22 (d) The procedure under Subsection (c)(5):

23 (1) must enable a student to report an incident of
24 bullying to any school district employee;

25 (2) must require the posting of a list on each campus
26 that identifies each person who has special training or designation
27 to receive a report of an incident of bullying;

1 (3) may establish an anonymous reporting system; and

2 (4) may include any other provision concerning
3 reporting an incident of bullying that the board of trustees
4 determines to be appropriate.

5 (e) Except as otherwise provided by this subsection, not
6 later than the second school day after the date a school principal
7 acquires knowledge of an incident of bullying, the school district
8 superintendent or the superintendent's designee shall, by
9 telephone or electronic communication, provide notice of the
10 incident to the parent or guardian of the victim of the alleged
11 bullying and the parent or guardian of the student who allegedly
12 engaged in the bullying. In accordance with a policy adopted by the
13 district board of trustees, the superintendent or the
14 superintendent's designee may notify other persons, as
15 appropriate. If the superintendent or the superintendent's
16 designee is not successful in reaching a parent or guardian by
17 telephone or electronic communication, the superintendent or the
18 superintendent's designee shall contact the parent or guardian in
19 writing as soon as practicable. The principal shall inform a victim
20 of bullying of the victim's right to request that the victim's
21 parent or guardian not be notified of the incident. On a request
22 from a victim, the principal shall request the superintendent or
23 the superintendent's designee to grant a waiver from the
24 notification requirement under this subsection. Granting or denial
25 of the waiver is at the sole discretion of the superintendent or the
26 superintendent's designee, must be based on the facts of the case,
27 and must be documented in writing. Granting a waiver under this

1 subsection does not relieve a district employee of any other duty
2 imposed by the policy adopted under Subsection (c).

3 (f) Each school district shall provide annual written
4 notice of the policy adopted under Subsection (c) and the
5 notification requirements under Subsection (e) to each district
6 student, the parent or guardian of each district student, and each
7 district employee or volunteer. The notice must be posted on the
8 district's Internet website and at each district campus in the
9 cafeteria, on each major bulletin board, in a prominent place in the
10 area of campus administrative offices, and at any other appropriate
11 location determined by the school principal. The policy also must
12 be included in each student and employee handbook.

13 (g) Each school district shall provide the following
14 training concerning bullying:

15 (1) annual training in preventing, identifying,
16 responding to, and reporting incidents of bullying for district
17 administrators and for other district employees and volunteers who
18 have significant contact with students;

19 (2) instruction to district students regarding the
20 elements of bullying; and

21 (3) an educational program for district students and
22 the parents and guardians of district students in preventing,
23 identifying, responding to, and reporting incidents of bullying.

24 SECTION 5. This Act applies beginning with the 2011-2012
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, 2011.