

By: Patrick

H.B. No. 1942

A BILL TO BE ENTITLED

AN ACT

relating to bullying in public schools.

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

SECTION 1. Section 25.0342, Education Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) In this section, "bullying" means engaging in written or verbal expression, expression through electronic means, or physical conduct, including a gesture, 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.

(a-1) For purposes of Subsection (a), expression through electronic means includes expression by transmission of language, data, an image, or a symbol through the use of software, video, social media, or electronic mail or texting.

SECTION 2. Section 28.002, Education Code, is amended by adding Subsection (s) to read as follows:

(s) In this subsection, "bullying" has the meaning assigned

1 by Section 25.0342 and "harassment" has the meaning assigned by
2 Section 37.001. In addition to any other essential knowledge and
3 skills the State Board of Education adopts for the health
4 curriculum under Subsection (a)(2)(B), the board shall adopt for
5 the health curriculum, in consultation with the Texas School Safety
6 Center, essential knowledge and skills that:

7 (1) evidence-based practice indicates will
8 effectively address awareness, prevention, identification, and
9 resolution of and intervention in bullying and harassment; and

10 (2) address the use of peer mediation to resolve
11 conflicts between students.

12 SECTION 3. Sections 37.001(a) and (b), Education Code, are
13 amended to read as follows:

14 (a) The board of trustees of an independent school district
15 shall, with the advice of its district-level committee established
16 under Subchapter F, Chapter 11, adopt a student code of conduct for
17 the district. The student code of conduct must be posted and
18 prominently displayed at each school campus or made available for
19 review at the office of the campus principal. In addition to
20 establishing standards for student conduct, the student code of
21 conduct must:

22 (1) specify the circumstances, in accordance with this
23 subchapter, under which a student may be removed from a classroom,
24 campus, or disciplinary alternative education program;

25 (2) specify conditions that authorize or require a
26 principal or other appropriate administrator to transfer a student
27 to a disciplinary alternative education program;

1 (3) outline conditions under which a student may be
2 suspended as provided by Section 37.005 or expelled as provided by
3 Section 37.007;

4 (4) specify that consideration will be given, as a
5 factor in each decision concerning suspension, removal to a
6 disciplinary alternative education program, expulsion, or
7 placement in a juvenile justice alternative education program,
8 regardless of whether the decision concerns a mandatory or
9 discretionary action, to:

10 (A) self-defense;

11 (B) intent or lack of intent at the time the
12 student engaged in the conduct;

13 (C) a student's disciplinary history; or

14 (D) a disability that substantially impairs the
15 student's capacity to appreciate the wrongfulness of the student's
16 conduct;

17 (5) provide guidelines for setting the length of a
18 term of:

19 (A) a removal under Section 37.006; and

20 (B) an expulsion under Section 37.007;

21 (6) address the notification of a student's parent or
22 guardian of a violation of the student code of conduct committed by
23 the student that results in suspension, removal to a disciplinary
24 alternative education program, or expulsion;

25 (7) prohibit bullying, harassment, and making hit
26 lists and ensure that district employees enforce those
27 prohibitions; ~~and~~

(8) provide, as appropriate for students at each grade level, methods, including options, for:

(A) managing students in the classroom and on school grounds;

(B) disciplining students; and

(C) preventing and intervening in student discipline problems, including bullying, harassment, and making hit lists; and

(9) provide for notifying a student's parent or guardian and appropriate district employees, in a manner that complies with the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g), regarding an act of bullying, harassment, or making a hit list.

(b) In this section:

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

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

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

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

(B) a knife, as defined by Section 46.01(7),

1 Penal Code; or

2 (C) any other object to be used with intent to
3 cause bodily harm.

4 SECTION 4. Section 37.083(a), Education Code, is amended to
5 read as follows:

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

12 SECTION 5. Subchapter C, Chapter 37, Education Code, is
13 amended by adding Section 37.0832 to read as follows:

14 Sec. 37.0832. POLICIES TO ADDRESS BULLYING. (a) In this
15 section, "bullying" has the meaning assigned by Section 25.0342.

16 (b) Each school district shall adopt and implement a policy
17 addressing bullying that:

18 (1) includes evidence-based practices developed by
19 the Texas School Safety Center for increasing administrator,
20 teacher, student, and parent awareness of issues regarding
21 bullying;

22 (2) establishes the actions a student, teacher, or
23 administrator who is a victim of or witness to bullying should take
24 to obtain assistance and intervention;

25 (3) sets out the available counseling options for a
26 student who is a victim of or witness to bullying or who engages in
27 bullying; and

1 (4) includes peer mediation, student engagement, and
2 leadership strategies to prevent and respond to bullying.

3 (c) The policy under Subsection (b) must be included in:

4 (1) any school district informational handbook
5 provided to students or parents; and

6 (2) the district improvement plan under Section
7 11.252.

8 SECTION 6. This Act applies beginning with the 2011-2012
9 school year.

10 SECTION 7. This Act takes effect immediately if it receives
11 a vote of two-thirds of all the members elected to each house, as
12 provided by Section 39, Article III, Texas Constitution. If this
13 Act does not receive the vote necessary for immediate effect, this
14 Act takes effect September 1, 2011.