

1-1 By: Patrick, et al. (Senate Sponsor - Van de Putte) H.B. No. 1942
1-2 (In the Senate - Received from the House May 5, 2011;
1-3 May 9, 2011, read first time and referred to Committee on
1-4 Education; May 20, 2011, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 8, Nays 0;
1-6 May 20, 2011, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 1942 By: Van de Putte

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to bullying in public schools.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 21.451(d), Education Code, is amended to
1-13 read as follows:

1-14 (d) The staff development:

1-15 (1) may include training in:

1-16 (A) technology;

1-17 (B) conflict resolution; ~~and~~

1-18 (C) discipline strategies, including classroom
1-19 management, district discipline policies, and the student code of
1-20 conduct adopted under Section 37.001 and Chapter 37; and

1-21 (D) preventing, identifying, responding to, and
1-22 reporting incidents of bullying; and

1-23 (2) subject to Subsection (e), must include training
1-24 based on scientifically based research, as defined by Section 9101,
1-25 No Child Left Behind Act of 2001 (20 U.S.C. Section 7801), that:

1-26 (A) relates to instruction of students with
1-27 disabilities; and

1-28 (B) is designed for educators who work primarily
1-29 outside the area of special education.

1-30 SECTION 2. The heading to Section 25.0342, Education Code,
1-31 is amended to read as follows:

1-32 Sec. 25.0342. TRANSFER OF STUDENTS WHO ARE VICTIMS OF OR
1-33 HAVE ENGAGED IN BULLYING.

1-34 SECTION 3. Section 25.0342, Education Code, is amended by
1-35 amending Subsection (a) and adding Subsections (b-1) and (b-2) to
1-36 read as follows:

1-37 (a) In this section, "bullying" has the meaning assigned by
1-38 Section 37.0832 ~~[means engaging in written or verbal expression or~~
1-39 ~~physical conduct that a school district board of trustees or the~~
1-40 ~~board's designee determines.~~

1-41 ~~[(1) will have the effect of physically harming a~~
1-42 ~~student, damaging a student's property, or placing a student in~~
1-43 ~~reasonable fear of harm to the student's person or of damage to the~~
1-44 ~~student's property; or~~

1-45 ~~[(2) is sufficiently severe, persistent, or pervasive~~
1-46 ~~enough that the action or threat creates an intimidating,~~
1-47 ~~threatening, or abusive educational environment for a student].~~

1-48 (b-1) The board of trustees of a school district may
1-49 transfer the student who engaged in bullying to:

1-50 (1) another classroom at the campus to which the
1-51 victim was assigned at the time the bullying occurred; or

1-52 (2) a campus in the district other than the campus to
1-53 which the victim was assigned at the time the bullying occurred, in
1-54 consultation with a parent or other person with authority to act on
1-55 behalf of the student who engaged in bullying.

1-56 (b-2) Section 37.004 applies to a transfer under Subsection
1-57 (b-1) of a student with a disability who receives special education
1-58 services.

1-59 SECTION 4. Section 28.002, Education Code, is amended by
1-60 adding Subsection (s) to read as follows:

1-61 (s) In this subsection, "bullying" has the meaning assigned
1-62 by Section 37.0832 and "harassment" has the meaning assigned by
1-63 Section 37.001. In addition to any other essential knowledge and

skills the State Board of Education adopts for the health curriculum under Subsection (a)(2)(B), the board shall adopt for the health curriculum, in consultation with the Texas School Safety Center, essential knowledge and skills that include evidence-based practices that will effectively address awareness, prevention, identification, self-defense in response to, and resolution of and intervention in bullying and harassment.

SECTION 5. 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 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), Penal Code; or

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

SECTION 6. Section 37.083(a), Education Code, is amended to read as follows:

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

SECTION 7. Subchapter C, Chapter 37, Education Code, is amended by adding Section 37.0832 to read as follows:

Sec. 37.0832. BULLYING PREVENTION POLICIES AND PROCEDURES.

(a) In this section, "bullying" means, subject to Subsection (b), engaging in written or verbal expression, expression through electronic means, or physical conduct that occurs on school property, at a school-sponsored or school-related activity, or in a vehicle operated by the district and that:

(1) has the effect or 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, and pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student.

(b) Conduct described by Subsection (a) is considered bullying if that conduct:

(1) exploits an imbalance of power between the student perpetrator and the student victim through written or verbal expression or physical conduct; and

(2) interferes with a student's education or substantially disrupts the operation of a school.

(c) The board of trustees of each school district shall adopt a policy, including any necessary procedures, concerning bullying that:

(1) prohibits the bullying of a student;

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

(3) establishes a procedure for providing notice of an incident of bullying to a parent or guardian of the victim and a parent or guardian of the bully within a reasonable amount of time after the incident;

(4) establishes the actions a student should take to obtain assistance and intervention in response to bullying;

3-1 (5) sets out the available counseling options for a
3-2 student who is a victim of or a witness to bullying or who engages in
3-3 bullying;

3-4 (6) establishes procedures for reporting an incident
3-5 of bullying, investigating a reported incident of bullying, and
3-6 determining whether the reported incident of bullying occurred;

3-7 (7) prohibits the imposition of a disciplinary measure
3-8 on a student who, after an investigation, is found to be a victim of
3-9 bullying, on the basis of that student's use of reasonable
3-10 self-defense in response to the bullying; and

3-11 (8) requires that discipline for bullying of a student
3-12 with disabilities comply with applicable requirements under
3-13 federal law, including the Individuals with Disabilities Education
3-14 Act (20 U.S.C. Section 1400 et seq.).

3-15 (d) The policy and any necessary procedures adopted under
3-16 Subsection (c) must be included:

3-17 (1) annually, in the student and employee school
3-18 district handbooks; and

3-19 (2) in the district improvement plan under Section
3-20 11.252.

3-21 (e) The procedure for reporting bullying established under
3-22 Subsection (c) must be posted on the district's Internet website to
3-23 the extent practicable.

3-24 SECTION 8. This Act applies beginning with the 2012-2013
3-25 school year.

3-26 SECTION 9. This Act takes effect immediately if it receives
3-27 a vote of two-thirds of all the members elected to each house, as
3-28 provided by Section 39, Article III, Texas Constitution. If this
3-29 Act does not receive the vote necessary for immediate effect, this
3-30 Act takes effect September 1, 2011.

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