

By: Whitmire, Davis

S.B. No. 205

A BILL TO BE ENTITLED

AN ACT

relating to school district policies to prohibit bullying, cyberbullying, harassment, and intimidation.

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

SECTION 1. Subchapter C, Chapter 37, Education Code, is amended by adding Section 37.0832 to read as follows:

Sec. 37.0832. SCHOOL DISTRICT POLICY TO PROHIBIT BULLYING, CYBERBULLYING, HARASSMENT, AND INTIMIDATION. (a) In this section:

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

(2) "Cyberbullying" means the use of any electronic communication device to engage in bullying, harassment, or intimidation.

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

(b) Each school district shall adopt a policy, including any necessary procedures, prohibiting bullying, cyberbullying, harassment, and intimidation consistent with the district student code of conduct adopted under Section 37.001. To the extent practicable, a district shall develop the policy after consultation with district students, parents and guardians of district students, school employees and volunteers, district administrators, and community representatives.

1 (c) The school district policy, including any necessary
2 procedures, adopted under this section must include:

3 (1) a prohibition against bullying, cyberbullying,
4 harassment, and intimidation;

5 (2) a description of the type of behavior expected
6 from each district student;

7 (3) a description of the consequences and appropriate
8 remedial action for a person who has engaged in an act of bullying,
9 cyberbullying, harassment, or intimidation, including a strategy
10 for providing counseling and for referral to appropriate services
11 or to the appropriate county or district attorney;

12 (4) a procedure for reporting an act of bullying,
13 cyberbullying, harassment, or intimidation that includes allowing
14 a person to anonymously report such an act;

15 (5) a requirement that a district student, employee,
16 or volunteer who witnesses or has reliable information that a
17 student has been subjected to an act of bullying, cyberbullying,
18 harassment, or intimidation be encouraged to report the act to the
19 appropriate school official as designated by the district's policy;

20 (6) a procedure for prompt investigation of a report
21 of an act of bullying, cyberbullying, harassment, or intimidation;

22 (7) a description of the manner in which the district
23 will respond after an act of bullying, cyberbullying, harassment,
24 or intimidation has been reported, investigated, and confirmed;

25 (8) a prohibition against engaging in reprisal or
26 retaliation against any person who reports an act of bullying,
27 cyberbullying, harassment, or intimidation and a description of the

1 consequences and appropriate remedial action for a person who
2 engages in such reprisal or retaliation;

3 (9) a prohibition against a district student,
4 employee, or volunteer engaging in reprisal or retaliation against
5 a victim of, witness to, or person with reliable information
6 concerning an act of bullying, cyberbullying, harassment, or
7 intimidation;

8 (10) a description of the consequences and appropriate
9 remedial action for a person who, for the purpose of reprisal or
10 retaliation, has falsely accused another of having engaged in an
11 act of bullying, cyberbullying, harassment, or intimidation;

12 (11) a description of the manner in which the policy is
13 to be publicized in the district;

14 (12) a requirement that any publicizing of the policy
15 include notice that the policy applies both to behavior on school
16 grounds and behavior at school-sponsored activities; and

17 (13) the identification by job title of each school
18 official responsible for ensuring that the policy is implemented.

19 (d) Subsection (c)(4) may not be construed to authorize
20 formal disciplinary action based solely on an anonymous report.

21 SECTION 2. Subsection (a), Section 37.083, Education Code,
22 is amended to read as follows:

23 (a) Each school district shall adopt and implement a
24 discipline management program to be included in the district
25 improvement plan under Section 11.252. The program must provide
26 for prevention of and education concerning unwanted physical or
27 verbal aggression and[7] sexual harassment[7] ~~and other forms of~~

1 ~~bullying]~~ in school, on school grounds, and in school vehicles.

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