

1-1 By: Whitmire S.B. No. 205
1-2 (In the Senate - Filed November 15, 2010; January 31, 2011,
1-3 read first time and referred to Committee on Education;
1-4 April 18, 2011, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 7, Nays 0; April 18, 2011,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 205 By: Gallegos

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

1-10 relating to school district policies to prohibit bullying,
1-11 cyberbullying, harassment, and intimidation.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subchapter C, Chapter 37, Education Code, is
1-14 amended by adding Section 37.0832 to read as follows:

1-15 Sec. 37.0832. SCHOOL DISTRICT POLICY TO PROHIBIT BULLYING,
1-16 CYBERBULLYING, HARASSMENT, AND INTIMIDATION. (a) In this
1-17 section:

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

1-20 (2) "Cyberbullying" means the use of any electronic
1-21 communication device to engage in bullying, harassment, or
1-22 intimidation.

1-23 (3) "Harassment" has the meaning assigned by Section
1-24 37.001.

1-25 (b) Each school district shall adopt a policy, including any
1-26 necessary procedures, prohibiting bullying, cyberbullying,
1-27 harassment, and intimidation consistent with the district student
1-28 code of conduct adopted under Section 37.001. To the extent
1-29 practicable, a district shall develop the policy after consultation
1-30 with district students, parents and guardians of district students,
1-31 school employees and volunteers, district administrators, and
1-32 community representatives.

1-33 (c) The school district policy, including any necessary
1-34 procedures, adopted under this section must include:

1-35 (1) a prohibition against bullying, cyberbullying,
1-36 harassment, and intimidation;

1-37 (2) a description of the type of behavior expected
1-38 from each district student;

1-39 (3) a description of the consequences and appropriate
1-40 remedial action for a person who has engaged in an act of bullying,
1-41 cyberbullying, harassment, or intimidation, including a strategy
1-42 for providing counseling and for referral to appropriate services
1-43 or to the appropriate county or district attorney;

1-44 (4) a procedure for reporting an act of bullying,
1-45 cyberbullying, harassment, or intimidation that includes allowing
1-46 a person to anonymously report such an act;

1-47 (5) a requirement that a district student, employee,
1-48 or volunteer who witnesses or has reliable information that a
1-49 student has been subjected to an act of bullying, cyberbullying,
1-50 harassment, or intimidation be encouraged to report the act to the
1-51 appropriate school official as designated by the district's policy;

1-52 (6) a procedure for prompt investigation of a report
1-53 of an act of bullying, cyberbullying, harassment, or intimidation;

1-54 (7) a description of the manner in which the district
1-55 will respond after an act of bullying, cyberbullying, harassment,
1-56 or intimidation has been reported, investigated, and confirmed;

1-57 (8) a prohibition against engaging in reprisal or
1-58 retaliation against any person who reports an act of bullying,
1-59 cyberbullying, harassment, or intimidation and a description of the
1-60 consequences and appropriate remedial action for a person who
1-61 engages in such reprisal or retaliation;

1-62 (9) a prohibition against a district student,
1-63 employee, or volunteer engaging in reprisal or retaliation against

2-1 a victim of, witness to, or person with reliable information
2-2 concerning an act of bullying, cyberbullying, harassment, or
2-3 intimidation;

2-4 (10) a description of the consequences and appropriate
2-5 remedial action for a person who, for the purpose of reprisal or
2-6 retaliation, has falsely accused another of having engaged in an
2-7 act of bullying, cyberbullying, harassment, or intimidation;

2-8 (11) a description of the manner in which the policy is
2-9 to be publicized in the district;

2-10 (12) a requirement that any publicizing of the policy
2-11 include notice that the policy applies both to behavior on school
2-12 grounds and behavior at school-sponsored activities; and

2-13 (13) the identification by job title of each school
2-14 official responsible for ensuring that the policy is implemented.

2-15 (d) Subsection (c)(4) may not be construed to authorize
2-16 formal disciplinary action based solely on an anonymous report.

2-17 SECTION 2. Subsection (a), Section 37.083, Education Code,
2-18 is amended to read as follows:

2-19 (a) Each school district shall adopt and implement a
2-20 discipline management program to be included in the district
2-21 improvement plan under Section 11.252. The program must provide
2-22 for prevention of and education concerning unwanted physical or
2-23 verbal aggression and ~~and~~ sexual harassment ~~, and other forms of~~
2-24 ~~bullying~~ in school, on school grounds, and in school vehicles.

2-25 SECTION 3. This Act takes effect immediately if it receives
2-26 a vote of two-thirds of all the members elected to each house, as
2-27 provided by Section 39, Article III, Texas Constitution. If this
2-28 Act does not receive the vote necessary for immediate effect, this
2-29 Act takes effect September 1, 2011.

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