

By: Morales Shaw

H.B. No. 3886

A BILL TO BE ENTITLED

AN ACT

relating to the definitions of bullying and harassment and the behavior of students in public schools.

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

SECTION 1. Section 37.001(b)(2), Education Code, is amended to read as follows:

(2) "Harassment":

(A) 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; and

(B) includes conduct described by Paragraph (A) that is based on the actual or perceived race, color, national origin, sex, disability, sexual orientation, gender identity or expression, religion, or any other distinguishing characteristic of a student or of a person with whom a student associates.

SECTION 2. Section 37.0832(a)(1), Education Code, is amended to read as follows:

(1) "Bullying":

(A) means a single significant act or a pattern of acts by one or more students directed at another student that exploits an imbalance of power and involves engaging in written or

1 verbal expression, expression through electronic means, or
2 physical conduct that satisfies the applicability requirements
3 provided by Subsection (a-1), and that:

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

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

11 (iii) materially and substantially
12 disrupts the educational process or the orderly operation of a
13 classroom or school; or

14 (iv) infringes on the rights of the victim
15 at school; and

16 (B) includes:

17 (i) cyberbullying; and

18 (ii) conduct described by Paragraph (A)
19 that is based on the actual or perceived race, color, national
20 origin, sex, disability, sexual orientation, gender identity or
21 expression, religion, or any other distinguishing characteristic
22 of a student or of a person with whom a student associates.

23 SECTION 3. This Act applies beginning with the 2021-2022
24 school year.

25 SECTION 4. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

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1 Act does not receive the vote necessary for immediate effect, this

2 Act takes effect September 1, 2021.