

BILL ANALYSIS

H.B. 1405
By: Reynolds
Public Education
Committee Report (Unamended)

BACKGROUND AND PURPOSE

A U.S. Government Accountability Office report found that about one in four students experienced bullying in the 2018-2019 school year related to their race, national origin, religion, disability, gender, or sexual orientation. The bill author has informed the committee that despite this, Texas law fails to clearly define or prohibit discriminatory bullying or establish a comprehensive framework for investigating incidents and supporting affected students. H.B. 1405 seeks to address these concerns by ensuring schools provide bullying supportive measures and by setting out certain requirements relating to a public school district's mandatory bullying prevention policies and procedures.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 1405 amends the Education Code to require the board of trustees of each public school district to provide to a student impacted by bullying supportive measures that are not disciplinary or punitive and are individualized to the student. The bill requires the bullying supportive measures to be designed to protect the safety of all students, teachers, and other school staff in the district and ensure a student impacted by bullying has continued access to the school's educational program, including the student's normal instructional lessons and extracurricular activities. The measures may include counseling, modifications to a class schedule, and the following measures:

- the extension of a deadline for turning in coursework or other instruction-related adjustments;
- requiring an employee of the district to escort a student while the student is on a district campus;
- a transfer for students who are victims of or have engaged in bullying;
- mutual restrictions on contact between students impacted by an incident of bullying; and
- other similar measures.

A district must provide the supportive measures without fee or charge and regardless of whether the student elects to participate in an investigation of a reported bullying incident conducted under procedures for such an investigation. The bill requires the minimum standards adopted by the Texas Education Agency (TEA) for a district's bullying prevention policy to include an emphasis on engaging in dialogue to create a culture of understanding and respect. The bill

requires TEA, not later than 45 days after the bill's effective date, to adopt or revise the minimum standards as necessary to comply with applicable bill provisions.

H.B. 1405 expands the definition of "bullying" to include a single significant act or a pattern of bullying that targets a victim on the basis of the victim's actual or perceived religion, disability status, race, ethnicity, color, national origin, sex, or association with a person or group with one or more of those actual or perceived characteristics. The bill expands the conduct constituting cyberbullying that is done through the use of any electronic communication device to include bullying done through the use of an application using artificial intelligence. The bill defines "harassment" by reference as 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.

H.B. 1405 revises the provisions requiring each district's board of trustees to adopt bullying prevention policies and procedures and establishing certain criteria for those policies and procedures by, as follows:

- requiring the policy to require a district employee who, in the course and scope of employment, witnesses or receives information regarding an incident that the employee reasonably believes constitutes bullying by or against a student who at the time of the incident is enrolled in the district at which the employee is employed to report the information to a campus behavior coordinator or other appropriate district official;
- replacing the provision requiring the policy to set out available counseling options for a student who is a victim or a witness to bullying or who engages in bullying with a provision requiring that the policy instead set out the supportive measures provided by the district under the bill's provisions that are available to a student who is impacted by bullying, including the alleged victim of bullying, a student who allegedly engaged in bullying, or a witness to bullying;
- requiring the procedures established for investigating a reported incident of bullying to include the following:
 - the provision of written notice of the investigation or a reported incident to the impacted students, including a victim of bullying and a student who allegedly engaged in bullying and those students' parents or guardians;
 - the provision of supportive measures established under the bill's provisions to the impacted students throughout the investigation;
 - an opportunity for the impacted students to identify witnesses and provide information and evidence relating to the reported incident of bullying;
 - the issuance of an investigative report that includes a summary of evidence considered, the investigator's determination as to whether the reported incident occurred and, if so, the student or students responsible for the incident, and the rationale for those determinations;
 - an opportunity for each impacted student and that student's parent or guardian to review and comment on the investigative report before the report is finalized; and
 - an opportunity for each impacted student to appeal a determination of the investigator; and
- requiring the policy to require such investigations to be completed not later than the 10th business day after the district receives a report of bullying submitted under applicable procedures, unless the time period is extended for good cause and a written notice of the extension and rationale is provided to impacted students and those students' parents or guardians.

H.B. 1405 establishes that nothing in statutory provisions relating to certain requirements and prohibitions related to instructional content may be construed as limiting a teacher, administrator, or other employee of a state agency, district, or open-enrollment charter school from taking the following actions:

- implementing a strategy to prevent or mediate specific instances or school-wide cultures of bullying or harassment that occur due to a victim's actual or perceived religion, disability status, race, ethnicity, color, national origin, sex, or association with a person or group with one or more of those actual or perceived characteristics, including a strategy implemented under a bullying prevention policy; or
- training teachers, administrators, or other employees in the implementation of such a strategy, including by providing staff development.

The bill requires the commissioner of education's rules to require a district or charter school to specify the number of incidents of bullying that targeted a victim based on the victim's actual or perceived religion, disability status, race, ethnicity, color, national origin, sex, or association with a person or group with one or more of those actual or perceived characteristics.

H.B. 1405 applies beginning with the 2025-2026 school year.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2025.