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H.B. No. 1405

A BILL TO BE ENTITLED

AN ACT

relating to bullying and cyberbullying in public schools.

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

SECTION 1. Section [28.0022](#), Education Code, is amended by adding Subsections (h) and (i) to read as follows:

(h) Nothing in this section may be construed as limiting a teacher, administrator, or other employee of a state agency, school district, or open-enrollment charter school from:

(1) 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 policy adopted under Section [37.0832](#); or

(2) training teachers, administrators, or other employees in the implementation of a strategy described by Subdivision (1), including by providing staff development under Section [21.451](#).

(i) In this section:

(1) "Bullying" has the meaning assigned by Section [37.0832](#).

(2) "Harassment" has the meaning assigned by Section [37.001](#).

SECTION 2. Section 37.0832(a), Education Code, is amended by amending Subdivisions (1) and (2) and adding Subdivision (3) 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 verbal expression, expression through electronic means, or physical conduct that satisfies the applicability requirements provided by Subsection (a-1), and that:

(i) 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;

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

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

(iv) infringes on the rights of the victim at school; or

(v) 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; and

(B) includes cyberbullying.

(2) "Cyberbullying" means bullying that is done through the use of any electronic communication device, including through the use of a cellular or other type of telephone, a computer, a camera, electronic mail, instant messaging, text messaging, a social media application, an Internet website, an application using artificial intelligence, or any other Internet-based communication tool.

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

SECTION 3. Section 37.0832, Education Code, is amended by adding Subsections (b), (b-1), and (b-2) and amending Subsections (c), (c-1), (d), and (e).

(b) ~~[(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) prevents and mediates bullying incidents between students that:

(A) interfere with a student's educational opportunities; or

(B) substantially disrupt the orderly operation of a classroom, school, or school-sponsored or school-related activity;

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

1           (4) requires a school district employee who, in the  
2 course and scope of employment, witnesses or receives information  
3 regarding an incident that the employee reasonably believes  
4 constitutes bullying by or against a student who at the time of the  
5 incident is enrolled in the district at which the employee is  
6 employed to report the information to a campus behavior coordinator  
7 or other appropriate district official;

8           (5) [~~(4)~~] establishes a procedure for providing notice  
9 of an incident of bullying to:

10                   (A) a parent or guardian of the alleged victim on  
11 or before the third business day after the date the incident is  
12 reported; and

13                   (B) a parent or guardian of the student alleged  
14 to have engaged in bullying [~~bully~~] within a reasonable amount of  
15 time after the incident;

16           (6) [~~(5)~~] establishes the actions a student should  
17 take to obtain assistance and intervention in response to bullying;

18           (7) [~~(6)~~] sets out the supportive measures provided by  
19 the district under Subsection (b-1) and available to [~~available~~  
20 ~~counseling options for~~] a student who is impacted by bullying,  
21 including the alleged [~~a~~] victim of bullying, a student who  
22 allegedly engaged in bullying, or a witness to bullying [~~or who~~  
23 ~~engages in bullying~~];

24           (8) [~~(7)~~] establishes procedures for reporting an  
25 incident of bullying, including procedures for a student to  
26 anonymously report an incident of bullying;

27           (9) establishes procedures for [~~7~~] investigating a

1 reported incident of bullying, and determining whether the reported  
2 incident of bullying occurred, which must include:

3 (A) the provision of written notice of the  
4 investigation or a reported incident of bullying to the impacted  
5 students, including a victim of bullying and a student who  
6 allegedly engaged in bullying, and the parents or guardians of  
7 those students;

8 (B) the provision of supportive measures under  
9 Subsection (b-1) to the impacted students throughout the  
10 investigation;

11 (C) an opportunity for the impacted students to  
12 identify witnesses and provide information and evidence relating to  
13 the reported incident of bullying;

14 (D) the issuance of an investigative report that  
15 includes a summary of evidence considered, the investigator's  
16 determination as to whether the reported incident occurred and, if  
17 so, the student or students responsible for the incident, and the  
18 rationale for those determinations;

19 (E) an opportunity for each impacted student and  
20 that student's parent or guardian to review and comment on the  
21 investigative report required under Paragraph (D) before the report  
22 is finalized; and

23 (F) an opportunity for each impacted student to  
24 appeal a determination of the investigator;

25 (10) requires investigations conducted under the  
26 procedures established under Subdivision (9) to be completed not  
27 later than the 10th business day after the district receives a

1 report of bullying submitted under the procedures established under  
2 Subdivision (8), unless the time period is extended for good cause  
3 and a written notice of the extension and rationale is provided to  
4 impacted students and those students' parents or guardians;

5       (11) ~~[(8)]~~ prohibits the imposition of a disciplinary  
6 measure on a student who, after an investigation, is found to be a  
7 victim of bullying, on the basis of that student's use of reasonable  
8 self-defense in response to the bullying;

9       (12) ~~[(9)]~~ requires that discipline for bullying of a  
10 student with disabilities comply with applicable requirements  
11 under federal law, including the Individuals with Disabilities  
12 Education Act (20 U.S.C. Section 1400 et seq.); and

13       (13) ~~[(10)]~~ complies with the minimum standards  
14 adopted by the agency under Subsection (c) ~~[(c-1)]~~.

15       (b-1) The board of trustees of each school district shall  
16 provide to a student impacted by bullying supportive measures that  
17 are not disciplinary or punitive and are individualized to the  
18 student. Measures provided under this subsection shall be designed  
19 to:

20               (1) protect the safety of all students, teachers, and  
21 other school staff in the district; and

22               (2) ensure a student impacted by bullying has  
23 continued access to the school's educational program, including the  
24 student's normal instructional lessons and extracurricular  
25 activities, and may include:

26                       (A) counseling;

27                       (B) the extension of a deadline for turning in

coursework or other instruction-related adjustments;

(C) modifications to a class schedule;

(D) requiring an employee of the district to  
escort a student while the student is on a district campus;

(E) a transfer under Section 25.0342;

(F) mutual restrictions on contact between  
students impacted by an incident of bullying; and

(G) other similar measures.

(b-2) A school district must provide supportive measures  
under Subsection (b-1):

(1) without fee or charge; and

(2) regardless of whether the student elects to  
participate in an investigation conducted under the procedures  
established under Subsection (b)(9).

(c) [(c-1)] The agency shall adopt minimum standards for a  
school district's policy under Subsection (b) ~~[(c)]~~. The standards  
must:

(1) include an emphasis on bullying prevention by  
focusing on school climate, ~~and~~ building healthy relationships  
between students and staff, and engaging in dialogue to create a  
culture of understanding and respect;

(2) require each district campus to establish a  
committee to address bullying by focusing on prevention efforts and  
health and wellness initiatives;

(3) require students at each grade level to meet  
periodically for instruction on building relationships and  
preventing bullying, including cyberbullying;

1 (4) include an emphasis on increasing student  
2 reporting of bullying incidents to school employees by:

3 (A) increasing awareness about district  
4 reporting procedures; and

5 (B) providing for anonymous reporting of  
6 bullying incidents;

7 (5) require districts to:

8 (A) collect information annually through student  
9 surveys on bullying, including cyberbullying; and

10 (B) use those survey results to develop action  
11 plans to address student concerns regarding bullying, including  
12 cyberbullying; and

13 (6) require districts to develop a rubric or checklist  
14 to assess an incident of bullying and to determine the district's  
15 response to the incident.

16 (d) The policy and any necessary procedures adopted under  
17 Subsection (b) [~~(c)~~] must be included:

18 (1) annually, in the student and employee school  
19 district handbooks; and

20 (2) in the district improvement plan under Section  
21 [11.252](#).

22 (e) The procedure for reporting bullying established under  
23 Subsection (b) [~~(c)~~] must be posted on the district's Internet  
24 website to the extent practicable.

25 SECTION 4. Section [48.009](#)(b-4), Education Code, is amended  
26 to read as follows:

27 (b-4) The commissioner by rule shall require each school



1 district and open-enrollment charter school to annually report  
2 through the Public Education Information Management System the  
3 number of reported incidents of bullying that have occurred at each  
4 campus. The commissioner's rules shall require a district or  
5 school to specify the number of incidents of bullying that:

6 (1) included cyberbullying; or

7 (2) targeted a victim based on the victim's actual or  
8 perceived religion, disability status, race, ethnicity, color,  
9 national origin, sex, or association with a person or group with one  
10 or more of those actual or perceived characteristics.

11 SECTION 5. Not later than 45 days after the effective date  
12 of this Act, the Texas Education Agency shall adopt or revise  
13 minimum standards as necessary to comply with Section 37.0832(c),  
14 Education Code, as amended by this Act.

15 SECTION 6. This Act applies beginning with the 2025-2026  
16 school year.

17 SECTION 7. This Act takes effect immediately if it receives  
18 a vote of two-thirds of all the members elected to each house, as  
19 provided by Section 39, Article III, Texas Constitution. If this  
20 Act does not receive the vote necessary for immediate effect, this  
21 Act takes effect September 1, 2025.