

By: Reynolds

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](#).

1 SECTION 2. Section 37.0832(a), Education Code, is amended
2 by amending Subdivisions (1) and (2) and adding Subdivision (3) to
3 read as follows:

4 (1) "Bullying":

5 (A) means a single significant act or a pattern
6 of acts by one or more students directed at another student that
7 exploits an imbalance of power and involves engaging in written or
8 verbal expression, expression through electronic means, or
9 physical conduct that satisfies the applicability requirements
10 provided by Subsection (a-1), and that:

11 (i) has the effect or will have the effect
12 of physically harming a student, damaging a student's property, or
13 placing a student in reasonable fear of harm to the student's person
14 or of damage to the student's property;

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

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

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

23 (v) targets a victim on the basis of the
24 victim's actual or perceived religion, disability status, race,
25 ethnicity, color, national origin, sex, or association with a
26 person or group with one or more of those actual or perceived
27 characteristics; and

1 (B) includes cyberbullying.

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

9 (3) "Harassment" has the meaning assigned by Section
10 37.001.

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

14 (b) [~~(c)~~] The board of trustees of each school district
15 shall adopt a policy, including any necessary procedures,
16 concerning bullying that:

17 (1) prohibits the bullying of a student;

18 (2) prevents and mediates bullying incidents between
19 students that:

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

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

25 (3) prohibits retaliation against any person,
26 including a victim, a witness, or another person, who in good faith
27 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

1 coursework or other instruction-related adjustments;

2 (C) modifications to a class schedule;

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

5 (E) a transfer under Section 25.0342;

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

8 (G) other similar measures.

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

11 (1) without fee or charge; and

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

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

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

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

25 (3) require students at each grade level to meet
26 periodically for instruction on building relationships and
27 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.