

By: Hope

H.B. No. 283

Substitute the following for H.B. No. 283:

By: Eissler

C.S.H.B. No. 283

A BILL TO BE ENTITLED

AN ACT

relating to the transfer of public school students who are the victims of bullying.

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

SECTION 1. Subchapter B, Chapter 25, Education Code, is amended by adding Section 25.0341 to read as follows:

Sec. 25.0341. TRANSFER OF VICTIMS OF BULLYING. (a) In this section, "bullying" means engaging in written or verbal expression or physical conduct that a school district board of trustees the board's designee determines:

(1) 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; or

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

(b) On the request of a parent or other person with authority to act on behalf of a student who is a victim of bullying, the board of trustees of a school district or the board's designee shall transfer the victim to:

(1) another classroom at the campus to which the victim was assigned at the time the bullying occurred; or

(2) a campus in the school district other than the

1 campus to which the victim was assigned at the time the bullying
2 occurred.

3 (c) The board of trustees or the board's designee shall
4 verify that a student has been a victim of bullying before
5 transferring the student under this section.

6 (d) The board of trustees or the board's designee may
7 consider past student behavior when identifying a bully.

8 (e) The determination by the board of trustees or the
9 board's designee is final and may not be appealed.

10 (f) A school district is not required to provide
11 transportation to a student who transfers to another campus under
12 Subsection (b)(2).

13 (g) Section 25.034 does not apply to a transfer under this
14 section.

15 SECTION 2. This Act takes effect immediately if it receives
16 a vote of two-thirds of all the members elected to each house, as
17 provided by Section 39, Article III, Texas Constitution. If this
18 Act does not receive the vote necessary for immediate effect, this
19 Act takes effect September 1, 2005.