

BILL ANALYSIS

C.S.H.B. 1942
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Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

According to some reports, a considerable percentage of students nationwide have fallen victim to bullying and recent developments in technology have contributed to the rise of bullying by electronic means, or cyberbullying. Interested parties contend that, with more than four million students in the state public education system, Texas should improve expectations for its schools in addressing this problem. C.S.H.B. 1942 seeks to take a preventive approach to reducing bullying in Texas public schools and to provide a minimal framework for schools to use in adopting and implementing a bullying policy, while being cognizant of the local control independent school districts should have in developing policy reflective of their respective communities.

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

C.S.H.B. 1942 amends the Education Code to add training in preventing, identifying, responding to, and reporting incidents of bullying to the training authorized to be included in the staff development provided by a school district. The bill authorizes a school district board of trustees to transfer a student who engaged in bullying to another classroom at the campus to which the victim was assigned at the time the bullying occurred or a campus in the district other than the campus to which the victim was assigned at the time the bullying occurred. The bill makes statutory provisions relating to the disciplinary placement of students with disabilities applicable to the transfer of a student with a disability who receives special education services.

C.S.H.B. 1942 requires the State Board of Education to adopt, in addition to any other essential knowledge and skills the board adopts for the required health curriculum and in consultation with the Texas School Safety Center, essential knowledge and skills that include evidence-based practices that will effectively address awareness, prevention, identification, and resolution of and intervention in bullying and harassment.

C.S.H.B. 1942 removes a requirement that the discipline management program included in a school district improvement plan provide for prevention of and education concerning other forms of bullying, beyond unwanted physical or verbal aggression and sexual harassment, in school, on school grounds, and in school vehicles.

C.S.H.B. 1942 requires the board of trustees of each school district to adopt a policy, including any necessary procedures, concerning bullying that prohibits the bullying of a student; prohibits retaliation against any person, including a victim, witness, or another person, who in good faith provides information concerning an incident of bullying; establishes a procedure for providing notice of an incident of bullying to a parent or guardian of the victim and the bully within a reasonable amount of time after the incident; establishes the actions a student should take to

obtain assistance and intervention in response to bullying; sets out the available counseling options for a student who is a victim of or witness to bullying or who engages in bullying; and establishes procedures for reporting an incident of bullying, investigating a reported incident of bullying, and determining whether the reported incident of bullying occurred. The bill requires the policy and any necessary procedures adopted therein to be included in any student or employee school district handbook and the district improvement plan. The bill requires the procedure for reporting bullying to be posted on the district's Internet website to the extent practicable.

C.S.H.B. 1942 defines "bullying" with regard to the bill's provisions relating to bullying policies and procedures. The bill removes a similar definition of bullying with regard to statutory provisions relating to the transfer of victims of bullying and instead provides for the term's meaning as it relates to such provisions, along with the required curriculum and a school district's student code of conduct, by reference to the definition set out by the bill. The bill provides for the meaning of "harassment" as it relates to the required curriculum by reference to statutory provisions relating to a district's student code of conduct. The bill makes its provisions applicable beginning with the 2011-2012 school year.

C.S.H.B. 1942 makes conforming and nonsubstantive changes.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 1942 contains a provision not included in the original adding training in preventing, identifying, responding to, and reporting incidents of bullying to the training authorized to be included in the staff development provided by a school district. The substitute differs from the original by removing a definition of "bullying" as it relates to the transfer of victims of bullying and providing for the meaning of the term by reference to the substitute's provisions relating to bullying policies and procedures, whereas the original redefines "bullying" as it relates to the transfer of victims of bullying to include engaging in expression through electronic means and to specify that physical conduct includes a gesture. The substitute omits a provision included in the original establishing that expression through electronic means includes expression by transmission of language, data, an image, or a symbol through the use of software, video, social media, or electronic mail or texting.

C.S.H.B. 1942 contains a provision not included in the original authorizing a school district board of trustees to transfer a student who engaged in bullying to another classroom at the campus to which the victim was assigned at the time the bullying occurred or a campus in the district other than the campus to which the victim was assigned at the time the bullying occurred. The substitute contains a provision not included in the original making statutory provisions relating to the disciplinary placement of students with disabilities applicable to such a transfer of a student with a disability who receives special education services.

C.S.H.B. 1942 differs from the original by providing for the meaning of "bullying" with regard to the required curriculum by reference to the bill's provisions relating to bullying policies and procedures, rather than statutory provisions relating to the transfer of victims of bullying, as in the original. The substitute differs from the original by requiring the State Board of Education (SBOE) to adopt essential knowledge and skills that include evidence-based practices that will effectively address awareness, prevention, identification, and resolution of and intervention in bullying and harassment, whereas the original requires the SBOE to adopt essential knowledge and skills that evidence-based practice indicates will effectively address awareness, prevention, identification, and resolution of and intervention in bullying and harassment and address the use of peer mediation to resolve conflicts between students.

C.S.H.B. 1942 omits a provision included in the original requiring a district's student code of conduct to provide for notifying a student's parent or guardian and appropriate district employees, in a manner that complies with the federal Family Educational Rights and Privacy Act of 1974, regarding an act of bullying, harassment, or making a hit list. The substitute differs from the original by providing for the meaning of "bullying" with regard to a district's code of conduct by reference to the bill's provisions relating to bullying policies and procedures, rather than statutory provisions relating to the transfer of victims of bullying, as in the original.

C.S.H.B. 1942 differs from the original by defining "bullying" with regard to the bill's provisions relating to bullying prevention policies and procedures, whereas the original provides for the meaning of "bullying" in such provisions by reference to statutory provisions relating to the transfer of victims of bullying.

C.S.H.B. 1942 differs from the original by requiring the policy adopted by each school district board of trustees to include any necessary procedures, whereas the original makes no such specification. The substitute differs from the original by expanding and adding to the conditions such a policy is required to meet.

C.S.H.B. 1942 differs from the original by requiring the bullying prevention policy and any necessary procedures to be included in any student or employee district handbook and the district improvement plan, whereas the original requires the policies to address bullying to be included in any district informational handbook provided to students or parents and the district improvement plan. The substitute contains a provision not included in the original requiring the procedure for reporting bullying to be posted on the district's Internet website to the extent practicable.

C.S.H.B. 1942 differs from the original in nonsubstantive ways by making conforming and clarifying changes.