

BILL ANALYSIS

S.B. 205
By: Whitmire
Public Education
Committee Report (Unamended)

BACKGROUND AND PURPOSE

It has been suggested that current law does not adequately emphasize or provide for specific school district policies to address the growing problems associated with school bullying and cyberbullying and that, as such, Texas should join the dozens of other states that have passed specific legislation to deal with bullying and cyberbullying. S.B. 205 seeks to serve as that legislation as it relates to school district policies to prohibit bullying, cyberbullying, harassment, and intimidation.

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

S.B. 205 amends the Education Code to require each school district to adopt a policy, including any necessary procedures, prohibiting bullying, cyberbullying, harassment, and intimidation consistent with the district student code of conduct. The bill requires a district, to the extent practicable, to develop the policy after consultation with district students, parents and guardians of district students, school employees and volunteers, district administrators, and community representatives.

S.B. 205 requires the school district policy, including any necessary procedures, to include the following elements:

- a prohibition against bullying, cyberbullying, harassment, and intimidation;
- a description of the type of behavior expected from each district student;
- a description of the consequences and appropriate remedial action for a person who has engaged in an act of bullying, cyberbullying, harassment, or intimidation, including a strategy for providing counseling and for referral to appropriate services or to the appropriate county or district attorney;
- a procedure for reporting an act of bullying, cyberbullying, harassment, or intimidation that includes allowing a person to anonymously report such an act;
- a requirement that a district student, employee, or volunteer who witnesses or has reliable information that a student has been subjected to an act of bullying, cyberbullying, harassment, or intimidation be encouraged to report the act to the appropriate school official as designated by the district's policy;
- a procedure for prompt investigation of a report of an act of bullying, cyberbullying, harassment, or intimidation;
- a description of the manner in which the district will respond after an act of bullying, cyberbullying, harassment, or intimidation has been reported, investigated, and confirmed;

- a prohibition against engaging in reprisal or retaliation against any person who reports an act of bullying, cyberbullying, harassment, or intimidation and a description of the consequences and appropriate remedial action for a person who engages in such reprisal or retaliation;
- a prohibition against a district student, employee, or volunteer engaging in reprisal or retaliation against a victim of, witness to, or person with reliable information concerning an act of bullying, cyberbullying, harassment, or intimidation;
- a description of the consequences and appropriate remedial action for a person who, for the purpose of reprisal or retaliation, has falsely accused another of having engaged in an act of bullying, cyberbullying, harassment, or intimidation;
- a description of the manner in which the policy is to be publicized in the district;
- a requirement that any publicizing of the policy include notice that the policy applies both to behavior on school grounds and behavior at school-sponsored activities; and
- the identification by job title of each school official responsible for ensuring that the policy is implemented.

The bill prohibits the element relating to anonymous reporting from being construed to authorize formal disciplinary action based solely on an anonymous report.

S.B. 205 makes a conforming change that removes language requiring a school district's discipline management program to provide for prevention of and education concerning forms of bullying beyond unwanted physical or verbal aggression and sexual harassment in school, on school grounds, and in school vehicles. The bill defines "cyberbullying" and provides for the meanings of "bullying" and "harassment" by reference.

EFFECTIVE DATE

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