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H.B. No. 1942

A BILL TO BE ENTITLED

AN ACT

relating to bullying in public schools.

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

SECTION 1. Section 21.451(d), Education Code, is amended to read as follows:

(d) The staff development:

(1) may include training in:

(A) technology;

(B) conflict resolution; ~~and~~

(C) discipline strategies, including classroom management, district discipline policies, and the student code of conduct adopted under Section 37.001 and Chapter 37; and

(D) preventing, identifying, responding to, and reporting incidents of bullying; and

(2) subject to Subsection (e), must include training based on scientifically based research, as defined by Section 9101, No Child Left Behind Act of 2001 (20 U.S.C. Section 7801), that:

(A) relates to instruction of students with disabilities; and

(B) is designed for educators who work primarily outside the area of special education.

SECTION 2. The heading to Section 25.0342, Education Code, is amended to read as follows:

Sec. 25.0342. TRANSFER OF STUDENTS WHO ARE VICTIMS OF OR

1 HAVE ENGAGED IN BULLYING.

2 SECTION 3. Section 25.0342, Education Code, is amended by
3 amending Subsection (a) and adding Subsections (b-1) and (b-2) to
4 read as follows:

5 (a) In this section, "bullying" has the meaning assigned by
6 Section 37.0832 [~~means engaging in written or verbal expression or~~
7 ~~physical conduct that a school district board of trustees or the~~
8 ~~board's designee determines:~~

9 [~~(1) will have the effect of physically harming a~~
10 ~~student, damaging a student's property, or placing a student in~~
11 ~~reasonable fear of harm to the student's person or of damage to the~~
12 ~~student's property; or~~

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

16 (b-1) The board of trustees of a school district may
17 transfer the student who engaged in bullying to:

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

20 (2) a campus in the district other than the campus to
21 which the victim was assigned at the time the bullying occurred.

22 (b-2) Section 37.004 applies to a transfer under Subsection
23 (b-1) of a student with a disability who receives special education
24 services.

25 SECTION 4. Section 28.002, Education Code, is amended by
26 adding Subsection (s) to read as follows:

27 (s) In this subsection, "bullying" has the meaning assigned

1 by Section 37.0832 and "harassment" has the meaning assigned by
2 Section 37.001. In addition to any other essential knowledge and
3 skills the State Board of Education adopts for the health
4 curriculum under Subsection (a)(2)(B), the board shall adopt for
5 the health curriculum, in consultation with the Texas School Safety
6 Center, essential knowledge and skills that include evidence-based
7 practices that will effectively address awareness, prevention,
8 identification, self-defense in response to, and resolution of and
9 intervention in bullying and harassment.

10 SECTION 5. Section 37.001(b), Education Code, is amended to
11 read as follows:

12 (b) In this section:

13 (1) "Bullying" has the meaning assigned by Section
14 37.0832.

15 (2) "Harassment" means threatening to cause harm or
16 bodily injury to another student, engaging in sexually intimidating
17 conduct, causing physical damage to the property of another
18 student, subjecting another student to physical confinement or
19 restraint, or maliciously taking any action that substantially
20 harms another student's physical or emotional health or safety.

21 (3) [~~(2)~~] "Hit list" means a list of people targeted
22 to be harmed, using:

23 (A) a firearm, as defined by Section 46.01(3),

24 Penal Code;

25 (B) a knife, as defined by Section 46.01(7),

26 Penal Code; or

27 (C) any other object to be used with intent to

1 cause bodily harm.

2 SECTION 6. Section 37.083(a), Education Code, is amended to
3 read as follows:

4 (a) Each school district shall adopt and implement a
5 discipline management program to be included in the district
6 improvement plan under Section 11.252. The program must provide for
7 prevention of and education concerning unwanted physical or verbal
8 aggression and [~~7~~] sexual harassment [~~7~~, ~~and other forms of~~
9 ~~bullying~~] in school, on school grounds, and in school vehicles.

10 SECTION 7. Subchapter C, Chapter 37, Education Code, is
11 amended by adding Section 37.0832 to read as follows:

12 Sec. 37.0832. BULLYING PREVENTION POLICIES AND PROCEDURES.

13 (a) In this section, "bullying" means engaging in written or verbal
14 expression, expression through electronic means, or physical
15 conduct that occurs on school property, at a school-sponsored or
16 school-related activity, or in a vehicle operated by the district
17 and that:

18 (1) has the effect or will have the effect of
19 physically harming a student, damaging a student's property, or
20 placing a student in reasonable fear of harm to the student's person
21 or of damage to the student's property;

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

25 (3) exploits an imbalance of power between the student
26 perpetrator and the student victim through written or verbal
27 expression or physical conduct; and

1 (4) interferes with a student's education or
2 substantially disrupts the operation of a school.

3 (b) The board of trustees of each school district shall
4 adopt a policy, including any necessary procedures, concerning
5 bullying that:

6 (1) prohibits the bullying of a student;

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

10 (3) establishes a procedure for providing notice of an
11 incident of bullying to a parent or guardian of the victim and a
12 parent or guardian of the bully within a reasonable amount of time
13 after the incident;

14 (4) establishes the actions a student should take to
15 obtain assistance and intervention in response to bullying;

16 (5) sets out the available counseling options for a
17 student who is a victim of or a witness to bullying or who engages in
18 bullying;

19 (6) establishes procedures for reporting an incident
20 of bullying, investigating a reported incident of bullying, and
21 determining whether the reported incident of bullying occurred; and

22 (7) prohibits the imposition of a disciplinary measure
23 on a student who is a victim of bullying on the basis of that
24 student's use of reasonable self-defense in response to the
25 bullying.

26 (c) The policy and any necessary procedures adopted under
27 Subsection (b) must be included:

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

3 (2) in the district improvement plan under Section
4 11.252.

5 (d) The procedure for reporting bullying established under
6 Subsection (b) must be posted on the district's Internet website to
7 the extent practicable.

8 SECTION 8. This Act applies beginning with the 2011-2012
9 school year.

10 SECTION 9. This Act takes effect immediately if it receives
11 a vote of two-thirds of all the members elected to each house, as
12 provided by Section 39, Article III, Texas Constitution. If this
13 Act does not receive the vote necessary for immediate effect, this
14 Act takes effect September 1, 2011.