

By: Whitmire

S.B. No. 205

A BILL TO BE ENTITLED

AN ACT

relating to school district policies to prohibit bullying,
cyberbullying, harassment, and intimidation.

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

SECTION 1. Subchapter C, Chapter 37, Education Code, is
amended by adding Section 37.0832 to read as follows:

Sec. 37.0832. SCHOOL DISTRICT POLICY TO PROHIBIT BULLYING,
CYBERBULLYING, HARASSMENT, AND INTIMIDATION. (a) In this section:

(1) "Bullying" has the meaning assigned by Section
25.0342.

(2) "Cyberbullying" means the use of any electronic
communication device to engage in bullying, harassment, or
intimidation.

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

(b) Each school district shall adopt a policy prohibiting
bullying, cyberbullying, harassment, and intimidation consistent
with the district student code of conduct adopted under Section
37.001. To the extent practicable, a district shall develop the
policy after consultation with district students, parents and
guardians of district students, school employees and volunteers,
district administrators, and community representatives.

(c) The school district policy adopted under this section
must include:

1 (1) a prohibition against bullying, cyberbullying,
2 harassment, and intimidation;

3 (2) a description of the type of behavior expected
4 from each district student;

5 (3) a description of the consequences and appropriate
6 remedial action for a person who has engaged in an act of bullying,
7 cyberbullying, harassment, or intimidation, including a strategy
8 for providing counseling and for referral to appropriate services
9 or to the appropriate county or district attorney;

10 (4) a procedure for reporting an act of bullying,
11 cyberbullying, harassment, or intimidation that includes allowing
12 a person to anonymously report such an act;

13 (5) a requirement that a district student, employee,
14 or volunteer who witnesses or has reliable information that a
15 student has been subjected to an act of bullying, cyberbullying,
16 harassment, or intimidation be encouraged to report the act to the
17 appropriate school official as designated by the district's policy;

18 (6) a procedure for prompt investigation of a report
19 of an act of bullying, cyberbullying, harassment, or intimidation;

20 (7) a description of the manner in which the district
21 will respond after an act of bullying, cyberbullying, harassment,
22 or intimidation has been reported, investigated, and confirmed;

23 (8) a prohibition against engaging in reprisal or
24 retaliation against any person who reports an act of bullying,
25 cyberbullying, harassment, or intimidation and a description of
26 the consequences and appropriate remedial action for a person who
27 engages in such reprisal or retaliation;

1 (9) a prohibition against a district student,
2 employee, or volunteer engaging in reprisal or retaliation against
3 a victim of, witness to, or person with reliable information
4 concerning an act of bullying, cyberbullying, harassment, or
5 intimidation;

6 (10) a description of the consequences and appropriate
7 remedial action for a person who, for the purpose of reprisal or
8 retaliation, has falsely accused another of having engaged in an
9 act of bullying, cyberbullying, harassment, or intimidation;

10 (11) a description of the manner in which the policy is
11 to be publicized in the district;

12 (12) a requirement that any publicizing of the policy
13 include notice that the policy applies both to behavior on school
14 grounds and behavior at school-sponsored activities; and

15 (13) the identification by job title of each school
16 official responsible for ensuring that the policy is implemented.

17 (d) Subsection (c)(4) may not be construed to authorize
18 formal disciplinary action based solely on an anonymous report.

19 (e) A school district employee who promptly reports an act
20 of bullying, cyberbullying, harassment, or intimidation to the
21 appropriate school official in compliance with the procedure
22 described in the district policy under Subsection (c)(4) is immune
23 from a cause of action for damages arising from any failure to
24 remedy the reported act.

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

27 (a) Each school district shall adopt and implement a

1 discipline management program to be included in the district
2 improvement plan under Section 11.252. The program must provide
3 for prevention of and education concerning unwanted physical or
4 verbal aggression and [7] sexual harassment [~~7~~ and other forms of
5 ~~bullying~~] in school, on school grounds, and in school vehicles.

6 SECTION 3. This Act takes effect immediately if it receives
7 a vote of two-thirds of all the members elected to each house, as
8 provided by Section 39, Article III, Texas Constitution. If this
9 Act does not receive the vote necessary for immediate effect, this
10 Act takes effect September 1, 2011.