

## Bullying: Bills in the 82nd Legislative Session

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This list of filed legislation provides an overview of bills related to bullying which are being tracked by the Texas Children's Mental Health Forum. Inclusion of a bill on this list does not indicate a position of support or opposition by the Forum, or its co-conveners, Texans Care for Children and the Texas Health Institute, but is provided to serve as an informational resource to stakeholders interested in legislation related to in the Texas 82<sup>nd</sup> Legislative Session. To view the full text of these or other bills, please visit: <http://www.capitol.state.tx.us/>

**HB 24 by Guillen** - *Relating to placement of a student in a disciplinary alternative education program for bullying or cyber-bullying.* The bill would allow schools to place students into a disciplinary alternative education placement (DAEP) if they engaged in harassment (as defined in the Penal Code) by phone, computer, email, text, etc., taking place on school grounds or off school grounds and sent or received using school equipment.

**HB 130 by Alvarez** - *Relating to the creation of an anti-bullying hotline.* Bill would require Department of Family and Protective Services (DFPS) to create a bullying hotline for primary and secondary school students, in conjunction with its existing Texas Abuse/Neglect hotline and to include both a phone and web component. DFPS would be required to monitor the calls and report to the school principals where student engaging in bullying behavior is enrolled. If the person engaging in bullying behavior is not a student, DFPS must report to local police. Bill would allow DFPS to include information about bullying on the hotline's website.

**HB 170 by Raymond** - *Relating to bullying as a ground for removing a public school student from class and placing the student in a disciplinary alternative education program (DAEP).* Bill would require a student to be removed from campus and placed in a DAEP program if he/she engages in bullying on or near school property, at school sponsored activity, or bus/bus stop.

**HB 224 by Strama (SB 242 by Wendy Davis)** - *Relating to bullying, including cyberbullying, in public schools.* These bills would amend the Education Code to require school staff to receive training related to preventing, identifying, responding to and reporting on bullying incidents; makes changes to the statutory definition of bullying, including the addition cyberbullying; allows school boards, at the request of a parent's who child has been bullied, to transfer the student who has engaged in bullying behavior to another class or campus within the district. The bills would require school boards to adopt bullying policy that includes, in part: prohibiting bullying; protecting those who report bullying incidents; addresses false accusations of bullying; development of a campus strategy for protecting each student from being bullied or related retaliation, including imposing appropriate discipline to reduce the risk of incidents of bullying and offering appropriate assistance to a victim of bullying or a student engaging in bullying; reporting procedures; parent notification if child has been bullied, w/ child's consent; and parent/student notification of bullying policies. School districts would also be required to provide annual training to district administrators & other district employees & volunteers who have significant contact w/ students; training to students regarding bullying; a program for parents, students, and

guardians in preventing, identifying, responding to and reporting on bullying incidents. The bill would also require districts to annually report to TEA information concerning bullying policies and procedures, as well as a statement of the number, rate, and type of incidents of bullying, including cyberbullying, harassment, sexual harassment, and discrimination against any student on the basis of the actual or perceived race, ethnicity, color, religion, gender, sexual orientation, national origin, or disability of the alleged perpetrator or victim that occurred on each district campus.

**SB 245 by W. Davis:** The bill is identical to SB 242 and HB 224 except in that it would not require TEA to include information about bullying/discrimination related to religion or gender in its reporting. Bullying/discrimination related to religion or gender would still be prohibited.

**HB 1059 by Menendez** - *Relating to bullying, including cyberbullying, in public schools.* The bill would require schools' Student Codes of Conduct to include procedures related to reporting and investigating incidents of bullying. It would also requires districts to include in their District Improvement Plans a written policy related to definition of bullying; notifying parents of victim and perpetrator; prompt investigation of reported incidents. Schools would be required to greatest extent possible integrating this policy into curriculum, student code of conduct, staff and volunteer training, and behavioral and violence prevention programs of the district. The bill also amends the current definition of bullying, including among other changes, adding cyberbullying and allowing conduct that has the effect of "emotionally" harming student to be considered bullying.

**HB 1309 by Craddick (SB 407 by Watson)** - *Relating to the creation of the offense of electronic transmission of certain visual material depicting a minor and to certain educational programs concerning the prevention and awareness of that offense.* Individuals under the age of 18 who intentionally or knowingly promote by electronic means visual material depicting a minor engaging in sexual conduct could be charged with a Class C misdemeanor. Judges would be also authorized to sentence minors convicted of this office - and one of the minor's parents - to participate in an education program about "sexting's" long-term harmful consequences. Child defendant and parent must pay for "education program" if court determines they can afford it. Youth would be able to apply to the court to have the offense expunged from their records upon their 17<sup>th</sup> birthday if convicted of one offense or upon or after their 18<sup>th</sup> birthday if convicted for more than once offense. The Texas School Safety Center (housed in Texas State University) would develop education program, in consultation with the state's Attorney General's office, to be used by school districts to address consequences of engaging in electronic sharing of certain visual images; archiving nature of internet; prevention, identification, responding and reporting of incidences of bullying. Districts would be required to notify students and parents of availability of this educational program.

**HB 1340 by Walle** - *Relating to the use of positive behavioral interventions and supports in public schools.* This bill does not specifically address bullying in schools but would establish the development and planned implementation of a state action plan to support local level implementation of school-wide positive behavioral interventions and supports (SW-PBIS), an approach that focuses on a school's social climate and behavior change and offers a framework for assisting schools in adopting and organizing evidence-based behavioral interventions into an integrated continuum that enhances academic and social behavior outcomes for all students, including targeting bullying prevention.

**HB 1348 by Marquez** - *Relating to policies, procedures, and training to address bullying of public school students.* This bill would amend the definition of bullying, including adding cyberbullying, and would include incidents that occur off school property if it interferes with the student's educational

opportunities or substantially disrupts school or school activities' operations. School Boards would be required to adopt a policy concerning bullying that: prohibits bullying; prohibits retaliation against anyone who reports bullying incident; provides for appropriate intervention for student who engages in bullying or who makes a false report; requires principal to develop campus strategy for protecting each campus student from being bullied or being retaliated against that includes imposing appropriate discipline to reduce risk of incidents and offering appropriate assistance to a victim of bullying or a student engaging in bullying; and includes procedures for students to report bullying incidents. School districts must notify parents/guardians of victim and student who engaged in bullying behavior; victim must be notified of their right to request their parents not be notified, with the decision to grant this request at the discretion of the superintendent. Schools districts would be required to provide annual training on preventing, identifying, responding to, and reporting incidents of bullying to district administrators and employees & volunteers who have significant contact with students, as well as to offer training to students and parent/caregivers.

**HB 1386 by Coleman** - *Relating to the public health threat presented by youth suicide and to the prevention of associated discrimination, harassment, bullying, and cyberbullying.* This bill would amend the Health and Safety Code to direct the Department of State Health Services, in coordination with the Texas Education Agency, to develop a comprehensive suicide prevention program for implementation in public junior, middle, and high schools. The program would include training for school staff and others who regularly interact with students, including law enforcement officers, to recognize students at risk of suicide and to intervene by providing "all appropriate assistance", including mental health services. The bill would also amend the Education Code to prohibit a school district or school employees from discrimination, harassment, and retaliation of a district employee or student on the account of the persons' actual or perceived ethnicity, color, gender, gender identity or expression, sexual orientation, disability, religion, or national origin, or based on who the person associates with. These prohibitions would apply to conduct that occurs on school property, while attending a school sponsored event, or while being transported by a school district owned or contracted vehicle. This bill would also require districts to provide periodic training to its employees regarding prevention of discrimination and harassment prohibited by this bill. Districts would also be required to report annually to TEA information regarding bullying incidents, to be included in TEA's comprehensive annual report to the legislature. This bill would also allow school boards to transfer students who have engaged in bullying conduct to another classroom or campus in the district at the request of a parent whose child is the victim of bullying behavior. The bill would also amend the Education Code's definition of bullying. School boards would be required to adopt and post a policy concerning bullying that prohibits bullying of a student and prohibits retaliation against someone who provides information about a bullying incident

**HB 1467 by Luna Hernandez** - *Relating to bullying and cyberbullying in public schools.* This bill would require school staff to be trained on addressing bullying and cyberbullying, with training to be paid for with local funds. The bill allows for school personnel to victims of bullying behavior. Parents would be held liable of negligence if they fail to control or discipline their child who engages in bullying behavior, punishable by a fine of up to \$100, with funds collected to be used to support school training related to bullying; parents would be could be held liable for any injury or death of school employee related to cyberbullying in retaliation for employee's association with school; creates criminal offense for student who engages in bullying/cyberbullying, punishable by up to \$100 fine (funds to be used for school bully training)

**SB 42 by Zaffirini** - *Relating to bullying through electronic means in public schools.* This bill would amend the Education Code's definition of bullying to include electronic communication ("cyberbullying") in sections related student discipline and related to victim of bullying request to be transferred to another school.

**SB 205 by Whitmire** - *Relating to school district policies to prohibit bullying, cyberbullying, harassment, and intimidation.* This bill would require school districts to adopt policies prohibiting bullying, cyberbullying, harassment, and intimidation. School policies would be required to include: descriptions of types of behaviors expected from each student; descriptions of the consequences for a person who has engaged in bullying behavior, 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 or related behavior, including anonymous reporting mechanisms; a requirement that students, employees or volunteers be encouraged to report bullying incidents; a description of how the district will respond to reports; a prohibition against reprisal against one who reports, who is a victim, or is a person who has information related to an incident; description of the consequences for a person who falsely accuses another of bullying as form of retaliation or reprisal; and other provisions to be included in the school bullying policy. A school district employee who promptly reports an incident in compliance with the school's policy is immune from a cause of action for damages arising from any failure to remedy the reported act.

**SB 736 by Hinojosa (HB 944 by Dukes)** - *Relating to membership and duties of local school health advisory councils.* This bill would require local school health advisory councils (SHACs) to report to their school boards the councils' recommendations related to policies, programs, and resources on dating violence, bullying and sexual harassment. SHACs would also be able to appoint a representative from a local domestic violence program to its membership.