

Texas Bullying Prevention Law

Passed in the Texas 2011 Session:

SB 407 – Requires the Texas School Safety Center to develop programs that address “sexting” (sexually explicit material or photos sent by text message), and better responses to incidents of bullying and “**cyberbullying**” (bullying through the Internet).

SB 471 and HB 1942 – Starting in 2012-2013 – Expands the requirements on school districts to address bullying and harassment, such as **parental notification**, programs for students and staff, providing **counseling to bullies and victims** and **protecting those who report bullying**. Charter schools also are required to adopt a policy on sexual abuse starting this year.

HB 1942 – Expands the definition of bullying and allows school districts to transfer the bully to another classroom or campus within the district.

HB 1386 – Requires the development of **intervention and prevention programs** to train school staff to recognize potential suicide victims, to include those students targeted by bullies.

H.B. No. 283 (2005 Session)

AN ACT

relating to admission, assignment, and conduct of certain public school students.

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

SECTION 1. Section 25.001(b), Education Code, is amended to read as follows:

(b) The board of trustees of a school district or its designee shall admit into the public schools of the district free of tuition a person who is over five and younger than 21 years of age on the first day of September of the school year in which admission is sought if....

SECTION 2. Subchapter B, Chapter 25, Education Code, is amended by adding Section 25.0341 to read as follows:

Sec. 25.0341. TRANSFER OF VICTIMS OF BULLYING.

(a) In this section, "**bullying**" means engaging in written or verbal expression or physical conduct that a school district board of trustees or the board's designee determines:

- (1) will have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property; or
- (2) is sufficiently severe, persistent, or pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student.

(b) On the request of a parent or other person with authority to act on behalf of a student who is a victim of bullying, the board of trustees of a school district or the board's designee shall transfer the victim to:

- (1) another classroom at the campus to which the victim was assigned at the time the bullying occurred; or
- (2) a campus in the school district other than the campus to which the victim was assigned at the time the bullying occurred.

(c) The board of trustees or the board's designee shall verify that a student has been a victim of bullying before transferring the student under this section.

(d) The board of trustees or the board's designee may consider past student behavior when identifying a bully.

(e) The determination by the board of trustees or the board's designee is final and may not be appealed.

(f) A school district is not required to provide transportation to a student who transfers to another campus under Subsection (b)(2).

(g) Section 25.034 does not apply to a transfer under this section.

SECTION 3. Section 37.001, Education Code, is amended by amending Subsection (a) and adding Subsections (b) and (b-1) to read as follows:

(a) **The board of trustees of an independent school district shall, with the advice of its district-level committee** established under Subchapter F, Chapter 11, adopt a student code of conduct for the district. The student code of conduct must be posted and prominently displayed at each school campus or made available for review at

the office of the campus principal. In addition to establishing standards for student conduct, the student code of conduct must:

- (1) specify the circumstances, in accordance with this subchapter, under which a student may be removed from a classroom, campus, or disciplinary alternative education program;
- (2) specify conditions that authorize or require a principal or other appropriate administrator to transfer a student to a disciplinary alternative education program;
- (3) outline conditions under which a student may be suspended as provided by Section 37.005 or expelled as provided by Section 37.007;
- (4) specify whether consideration is given to self-defense as a factor in a decision to order suspension, removal to a disciplinary alternative education program, or expulsion;
 - (5) provide guidelines for setting the length of a term of:
 - (A) a removal under Section 37.006; and
 - (B) an expulsion under Section 37.007; [and]
 - (6) address the notification of a student's parent or guardian of a violation of the student code of conduct committed by the student that results in suspension, removal to a disciplinary alternative education program, or expulsion;
 - (7) prohibit bullying, harassment, and making hit lists and ensure that district employees enforce those prohibitions; and
 - (8) provide, as appropriate for students at each grade level, methods, including options, for:
 - (A) managing students in the classroom and on school grounds;
 - (B) disciplining students; and
- (C) preventing and intervening in student discipline problems, including bullying, harassment, and making hit lists.

(b) In this section:

- (1) "Harassment" means threatening to cause harm or bodily injury to another student, engaging in sexually intimidating conduct, causing physical damage to the property of another student, subjecting another student to physical confinement or restraint, or maliciously taking any action that substantially harms another student's physical or emotional health or safety.
- (2) "Hit list" means a list of people targeted to be harmed, using:
 - (A) a firearm, as defined by Section 46.01(3), Penal Code;
 - (B) a knife, as defined by Section 46.01(7), Penal Code; or
- (C) any other object to be used with intent to cause bodily harm. (b-1) The methods adopted under Subsection (a)(8) must provide that a student who is enrolled in a special education program under Subchapter A, Chapter 29, may not be disciplined for conduct prohibited in accordance with Subsection (a)(7) until an admission, review, and dismissal committee meeting has been held to review the conduct.

SECTION 4. Section 37.083(a), Education Code, is amended to read as follows:

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

SECTION 5. This Act **takes effect immediately** if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2005.

More laws "related" to bullying...

(Selected) TEXAS EDUCATION CODE SUBTITLE G. SAFE SCHOOLS

<http://www.capitol.state.tx.us/cgi-bin/cqcgj>

CHAPTER 37. DISCIPLINE; LAW AND ORDER

SUBCHAPTER A. ALTERNATIVE SETTINGS FOR BEHAVIOR MANAGEMENT

§ 37.001. **STUDENT CODE OF CONDUCT.**

(a) The board of trustees of an independent school district shall, with the advice of its district-level committee established under Subchapter F, Chapter 11, adopt a student code of conduct for the

district. The student code of conduct must be posted and prominently displayed at each school campus or made available for review at the office of the campus principal. In addition to establishing standards for student conduct, the student code of conduct must:

- (1) specify the circumstances, in accordance with this subchapter, under which a student may be removed from a classroom, campus, or disciplinary alternative education program;
- (2) specify conditions that authorize or require a principal or other appropriate administrator to transfer a student to a disciplinary alternative education program;
- (3) outline conditions under which a student may be suspended as provided by Section 37.005 or expelled as provided by Section 37.007;
- (4) specify **whether consideration is given to self-defense as a factor in a decision to order suspension, removal to a disciplinary alternative education program, or expulsion;**
- (5) provide guidelines for setting the length of a term of:
 - (A) a removal under Section 37.006; and
 - (B) an expulsion under Section 37.007; and
- (6) address the notification of a student's parent or guardian of a violation of the student code of conduct committed by the student that results in suspension, removal to a disciplinary alternative education program, or expulsion.
 - (b) Repealed by Acts 2003, 78th Leg., ch. 1055, § 30.
- (c) Once the student code of conduct is promulgated, any change or amendment must be approved by the board of trustees.
- (d) Each school year, a school district shall provide parents notice of and information regarding the student code of conduct.

§ 37.006. REMOVAL FOR CERTAIN CONDUCT.

- (a) A student shall be removed from class and placed in a disciplinary alternative education program as provided by Section 37.008 if the student:
 - ...(d) In addition to Subsections (a), (b), and (c), a student may be removed from class and placed in a disciplinary alternative education program under Section 37.008 based on conduct occurring off campus and while the student is not in attendance at a school-sponsored or school-related activity if:
 - ...(2) the continued presence of the student in the regular classroom **threatens the safety of other students or teachers** or will be detrimental to the educational process.

§ 37.0081. PLACEMENT OF CERTAIN STUDENTS IN ALTERNATIVE EDUCATION PROGRAMS.

- (a) Notwithstanding any other provision of this subchapter, the board of trustees of a school district, or the board's designee, after an opportunity for a hearing may elect to place a student in a disciplinary alternative education program under Section 37.008 if:
 - ...(2) the board or the board's **designee determines that the student's presence in the regular classroom:**
 - (A) **threatens the safety of other students or teachers;**
 - (B) will be detrimental to the educational process; or
 - (C) is not in the best interests of the district's students.

SUBCHAPTER F. HAZING

§ 37.151. DEFINITIONS. In this subchapter:

- (1) "Educational institution" includes a public or private high school.
- (2) "Pledge" means any person who has been accepted by, is considering an offer of membership from, or is in the process of qualifying for membership in an organization.
- (3) "Pledging" means any action or activity related to becoming a member of an organization.
- (4) "Student" means any person who:
 - (A) is registered in or in attendance at an educational institution;
 - (B) has been accepted for admission at the educational institution where the hazing incident occurs; or
 - (C) intends to attend an educational institution during any of its regular sessions after a period of scheduled vacation.
- (5) "Organization" means a fraternity, sorority, association, corporation, order, society, corps, club, or service,

social, or similar group, whose members are primarily students.

(6) "Hazing" means any intentional, knowing, or reckless act, occurring on or off the campus of an educational institution, by one person alone or acting with others, directed against a student, that endangers the mental or physical health or safety of a student for the purpose of pledging, being initiated into, affiliating with, holding office in, or maintaining membership in an organization. The term includes:

(A) any type of **physical brutality**, such as whipping, beating, striking, branding, electronic shocking, placing of a harmful substance on the body, or similar activity;

(B) any type of physical activity, such as sleep deprivation, exposure to the elements, confinement in a small space, calisthenics, or other activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student;

(C) any activity involving consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student;

(D) any activity that intimidates or threatens the student with ostracism, that subjects the student to extreme mental stress, shame, or humiliation, that adversely affects the mental health or dignity of the student or discourages the student from entering or remaining registered in an educational institution, or that may reasonably be expected to cause a student to leave the organization or the institution rather than submit to acts described in this subdivision; and

(E) any activity that induces, causes, or requires the student to perform a duty or task that involves a violation of the Penal Code.

Added by Acts 1995, 74th Leg., ch. 260, § 1, eff. May 30, 1995.

§ 37.152. **PERSONAL HAZING OFFENSE.**

(a) A person commits an offense if the person:

(1) engages in hazing;

(2) solicits, encourages, directs, aids, or attempts to aid another in engaging in hazing;

(3) recklessly permits hazing to occur; or

(4) has firsthand knowledge of the planning of a specific hazing incident involving a student in an educational institution, or has firsthand knowledge that a specific hazing incident has occurred, and knowingly fails to report that knowledge in writing to the dean of students or other appropriate official of the institution.

(b) The offense of failing to report is a Class B misdemeanor.

(c) Any other offense under this section that does not cause serious bodily injury to another is a Class B misdemeanor.

(d) Any other offense under this section that causes serious bodily injury to another is a Class A misdemeanor.

(e) Any other offense under this section that causes the death of another is a state jail felony.

(f) Except if an offense causes the death of a student, in sentencing a person convicted of an offense under this section, the court may require the person to perform community service, subject to the same conditions imposed on a person placed on community supervision under Section 11, Article 42.12, Code of Criminal Procedure, for an appropriate period of time in lieu of confinement in county jail or in lieu of a part of the time the person is sentenced to confinement in county jail.

Added by Acts 1995, 74th Leg., ch. 260, § 1, eff. May 30, 1995.

§ 37.153. **ORGANIZATION HAZING OFFENSE.**

(a) An organization commits an offense if the organization condones or encourages hazing or if an officer or any combination of members, pledges, or alumni of the organization commits or assists in the commission of hazing.

(b) An offense under this section is a misdemeanor punishable by:

(1) a fine of not less than \$5,000 nor more than \$10,000; or

(2) if the court finds that the offense caused personal injury, property damage, or other loss, a fine of not less than \$5,000 nor more than double the amount lost or expenses incurred because of the injury, damage, or loss.

Added by Acts 1995, 74th Leg., ch. 260, § 1, eff. May 30, 1995.

§ 37.154. **CONSENT NOT A DEFENSE.** It is not a defense to prosecution of an offense under this subchapter that the person against whom the hazing was directed consented to or acquiesced in the hazing activity.

Added by Acts 1995, 74th Leg., ch. 260, § 1, eff. May 30, 1995.

§ 37.155. IMMUNITY FROM PROSECUTION AVAILABLE.

In the prosecution of an offense under this subchapter, the court may grant immunity from prosecution for the offense to each person who is subpoenaed to testify for the prosecution and who does testify for the prosecution.

Any person reporting a specific hazing incident involving a student in an educational institution to the dean of students or other appropriate official of the institution is immune from civil or criminal liability that might otherwise be incurred or imposed as a result of the report. Immunity extends to participation in any judicial proceeding resulting from the report. A person reporting in bad faith or with malice is not protected by this section.

Added by Acts 1995, 74th Leg., ch. 260, § 1, eff. May 30, 1995.