

SUBJECT: Transfers for public school students who are victims of bullying

COMMITTEE: Public Education — committee substitute recommended

VOTE: 6 ayes — Grusendorf, Branch, Delisi, Eissler, Hochberg, Mowery
0 nays
3 absent — Oliveira, Dutton, B. Keffer

WITNESSES: For — Tim Bacon, Texas State Teachers Association; Lindsay Gustafson, Texas Classroom Teachers Association; Sandra LeRoy, Texans for Equal Justice
Against — None
On — Ramiro Canales, Texas Association of School Administrators; Sarah Winkler, Alief ISD and Texas Association of School Boards

DIGEST: CSHB 283 would require a school board or its designee to grant a victim of bullying a transfer to another classroom or campus at the request of the parent or other person authorized to act on behalf of the victim. The board or its designee would verify that the student had been a victim of bullying before granting the transfer and could consider past student behavior when identifying a bully. The decision of the board or its designee would be final and could not be appealed. The board would not have to provide transportation to a student who transferred to another campus.

Bullying would be defined as engaging in written or verbal expression or physical conduct that a school board determined would have the effect of physically harming a student, damaging the student's property, or placing a student in reasonable fear of harm to the student or the student's property, or that was sufficiently severe, persistent, or pervasive that the action or threat created an intimidating, threatening, or abusive educational environment for a student.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2005.

**SUPPORTERS
SAY:**

CSHB 283 would address bullying in public schools by directing school boards to authorize transfers to other classrooms or schools for students who were the victims of bullies. Research shows that almost one-third of school-aged children are victimized by their peers. Students who are bullied are five times more likely to be depressed and have low self-esteem than are other children, conditions that can last well into adulthood. A 2002 report by the U.S. Department of Education and the U.S. Secret Service, which studied 10 students who committed school shootings, found that bullying played a role in a majority of those incidents.

The bill would reduce the negative effects of bullying by allowing a victim to get away from bullies by transferring to another classroom or school. The school board or its designee would have to evaluate the situation to determine whether such a transfer was justified.

School districts cannot afford to provide transportation for every student who wishes to transfer to another school to avoid a bully. If the problem is serious enough to transfer, the parents should be willing to provide transportation.

**OPPONENTS
SAY:**

CSHB 283 defines bullying broadly to include behavior that, while wrong, may not in itself justify transferring a student to another class or school. School districts or their designees should have the flexibility to respond to individual incidents in other ways that may be more effective than simply removing the victim from the classroom or school. This would not address the real problem, which is the behavior of the bully.

**OTHER
OPPONENTS
SAY:**

CSHB 283 should require school districts to provide transportation for victims of bullying who wish to transfer to another school. If a school or district has been unsuccessful in controlling the bullying, it should bear the cost of removing the victim from the situation. Many students who need to transfer to another school to avoid a bully would be unable to do so due to lack of transportation.

The bill should specifically address cyber-bullying, which is becoming more prevalent in schools. Websites, blogs, email and other forms of electronic communication are being used to harass and bully students.

NOTES:

HB 283 as introduced would have defined bullying as engaging in written or verbal expression or physical contact that the student knew or

reasonably believed would cause significant emotional distress to another student, that caused significant emotional distress, or that would cause emotional distress to a reasonable person under the same circumstances.

The committee substitute added that a board could consider past student behavior when identifying a bully and that the decision of the board or its designee would be final.