

## **BILL ANALYSIS**

Senate Research Center  
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S.B. 242  
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Education  
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### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Nearly one in five Texas students reports being bullied on school grounds, according to a 2009 survey by the Centers for Disease Control and Prevention. Section 25.0342 (Transfer of Victims of Bullying), Education Code, was added by the 79th Legislature, Regular Session, 2005. Since then, technology has limited the effect of current statute, which only includes "written or verbal expression." There is a concern that school districts cannot consider the increasingly prevalent acts of bullying that have occurred through text messaging and Internet mediums, such as Facebook and Myspace. Also, current law only allows for the victim of bullying to request to be moved to another classroom or campus. Other than that, there is no guidance for districts on working with bullies and their victims.

Current law defines bullying as something that results in the physical effect of harming a student, or harming the student's property, or reasonable fear of this harm. The statute does not address how bullying can negatively affect a student's education or grades, the higher probability of a student dropping out, or cases in which a student takes his or her own life. S.B. 242 gives parents, teachers, and school administrators more tools to address and prevent the effects of bullying.

S.B. 242 provides a broader definition of "bullying" to include "cyberbullying" and moments when bullying is having a detrimental effect on a student's education. S.B. 242 adds "bullying" language to Chapter 37 (Discipline; Law and Order), Education Code, for the first time. This bill also mandates that parents be notified if their child is a victim of bullying. This bill permits school districts and campuses to implement various reporting tools that have been shown to be successful at reducing incidents of bullying. Currently, if bullying persists, the only option available in statute is the transfer of the victim of bullying to another class or campus, but only with the approval of the trustees of a school district (board). S.B. 242 allows for the transfer of the bully to another classroom or campus if the board approves. S.B. 242 also provides for training on bullying for staff and for reporting through the Public Education Information Management System.

As proposed, S.B. 242 amends current law relating to bullying, including cyberbullying, in public schools.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 21.451(d), Education Code, to require the staff development to include the training required under Section 37.0832(g)(1) in preventing, identifying, responding to, and reporting incidents of bullying.

SECTION 2. Amends the heading to Section 25.0342, Education Code, to read as follows:

Sec. 25.0342. TRANSFER OF STUDENTS WHO ARE VICTIMS OF OR HAVE ENGAGED IN BULLYING.

SECTION 3. Amends Section 25.0342, Education Code, by amending Subsections (a), (c), and (e) and by adding Subsections (b-1) and (b-2), as follows:

(a) Redefines "bullying" in this section.

(b-1) Authorizes the board of trustees of a school district (board) or the board's designee, on the request of a parent or other person with authority to act on behalf of a student who is a victim of bullying, to transfer the student who engaged in bullying to another classroom at the campus to which the victim was assigned at the time the bullying occurred or a campus in the district other than the campus to which the victim was assigned at the time the bullying occurred.

(b-2) Requires the board and each district educator with knowledge of the request, to the extent practicable, to keep a request received under Subsection (b) (relating to the transfer of victims of bullying) or (b-1) confidential.

(c) Requires the board or the board's designee to verify that student has been a victim of or has engaged in bullying, as applicable, before transferring the student under this section.

(e) Provides that a determination by the board or the board's designee under this section is final and may not be appealed.

SECTION 4. Amends Section 37.001(b), Education Code, to define "bullying" in this section, and to make nonsubstantive changes.

SECTION 5. Amends Section 37.083(a), Education Code, to require a discipline management program to provide for prevention of and education concerning unwanted physical or verbal aggression and sexual harassment, rather than unwanted physical or verbal aggression, sexual harassment, and other forms of bullying, in school on school grounds, and in school vehicles.

SECTION 6. Amends Subchapter C, Chapter 37, Education Code, by adding Section 37.0832, as follows:

Sec. 37.0832. BULLYING, INCLUDING CYBERBULLYING: POLICIES, PROCEDURES, AND TRAINING. (a) Defines "bullying" and "cyberbullying" in this section.

(b) Provides that this section applies to bullying that occurs on or is delivered to school property or on the site of a school-sponsored or school-related activity on or off school property, or that occurs off school property or outside of a school-sponsored or school-related activity, if the conduct interferes with a student's educational opportunities or substantially disrupts the orderly operation of a school or school-sponsored or school-related activity.

(c) Requires the board of each school district to adopt a policy concerning bullying that:

(1) prohibits bullying of a student;

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

(3) provides for the appropriate intervention for a student who engages in bullying or falsely accuses another of bullying;

(4) requires each school principal or the principal's designee to develop a campus strategy for protecting each campus student from being bullied or

related retaliation that includes 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;

(5) establishes a procedure for reporting an incident of bullying within a district and on each district campus that specifies the action a student should take in case of bullying; and

(6) addresses any other issue concerning bullying that the board of trustees determines to be appropriate.

(d) Provides that the procedure under Subsection (c)(5):

(1) is required to enable a student to report an incident of bullying to any school district employee;

(2) is required to require the posting of a list on each campus that identifies each person who has special training or designation to receive a report of an incident of bullying;

(3) is authorized to establish an anonymous reporting system; and

(4) is authorized to include any other provision concerning reporting an incident of bullying that the board of trustees determines to be appropriate.

(f) Requires the school district superintendent or the superintendent's designee, except as otherwise provided by this subsection, not later than the second school day after the date a school principal acquires knowledge of an incident of bullying, by telephone or electronic communication, to provide notice of the incident to the parent or guardian of the victim of the alleged bullying and the parent or guardian of the student who allegedly engaged in bullying. Authorizes the superintendent or the superintendent's designee, in accordance with a policy adopted by the district board of trustees, to notify other persons, as appropriate. Requires the superintendent or the superintendent's designee, if the superintendent or the superintendent's designee is not successful in reaching a parent or guardian by telephone or electronic communication, to contact the parent or guardian in writing as soon as practicable. Requires the principal to inform a victim of bullying of the victim's right to request that the victim's parent or guardian not be notified of the incident. Requires the principal, on a request from the victim, to request the superintendent or the superintendent's designee to grant a waiver from the notification requirement under this subsection. Provides that granting or denial of the waiver is at the sole discretion of the superintendent or the superintendent's designee, must be based on the facts of the case, and must be documented in writing. Provides that granting a waiver under this subsection does not relieve a district employee of any other duty imposed by the policy adopted under Subsection (c).

(e) Requires each school district to provide annual written notice of the policy adopted under Subsection (c) and the notification requirements under Subsection (e) to each district student, the parent or guardian of each district student, and each district employee or volunteer. Requires that the notice be posted on the district's Internet website and at each district campus in the cafeteria, on each major bulletin board, in a prominent place in the area of campus administrative offices, and at any other appropriate location determined by the school principal. Requires that the policy also be included in each student and employee handbook.

(g) Requires each school district to provide certain training concerning bullying.

SECTION 7. Amends Section 39.306(a), Education Code, to require that an annual report describing the educational performance of a district and of each campus in the district include

certain information, including information concerning bullying, including cyberbullying, harassment, sexual harassment, and school violence prevention and violence intervention policies and procedures that the district is using to protect students; the findings that result from evaluations conducted under the Safe and Drug-Free Schools and Communities Act (20 U.S.C. Section 7101 et seq.); and 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, to the extent permitted under the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g). Makes nonsubstantive changes.

SECTION 8. Provides that this Act applies beginning with the 2011-2012 school year.

SECTION 9. Effective date: upon passage or September 1, 2011.