



Fact Sheet on Committee Substitute House Bill 1942 ***Anti-Bullying/Harassment***

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| Bill Number: | Committee Substitute House Bill 1942 |
| Unofficial Name: | Anti-Bullying/Harassment |
| Bill Author: | Representative Diane Patrick |
| Short Description: | Amends the Texas Education Code to require (inter alia) policy and program development, and allows for staff and parent training for the prevention and reporting of bullying. Amends Education Code definition of <i>bullying</i> , to include bullying via electronic means (I.e. cyberbullying). |
| Committee Assignment: | Public Education. |

SUPPORTIVE STATEMENT

There is no excuse for failing to protect our school children. The State of Texas is obligated to provide a safe learning environment. School administrators should be given the tools they need to address safety concerns in their schools and at school related events.

According to a 2010 poll conducted for Equality Texas, when asked: “Would you support or oppose legislation that would provide direction to Texas teachers on how to protect all children from bullying, harassment and discrimination in school, including the children of gay and lesbian parents or teenagers who are gay?” an overwhelming 79.2% of respondents answered in the affirmative.ⁱ

Legislation passed in 2005 amended Chapter 37 of the Education Code to require school districts to adopt student codes of conduct that explicitly proscribe bullying and harassment. We support Rep. Patrick’s efforts to refine and strengthen existing code and to provide tools and guidance to facilitate the enforcement of these codes in Texas public schools.

Bullying and harassment are not “rites of passage,” or “learning experiences.” Bullying and harassment are serious behaviors that use violence and intimidation to lash out at other students.

QUICK FACTS:

It is broadly recognized that bullying is a chronic problem in our public schools. In 2005, one survey found that 39% of Texas students reported being **verbally harassed** at least once during the previous year because of their physical appearance, 28% at least once because of their race/ethnicity, and 21% at least once because of their religion.ⁱⁱ

More disturbingly, 17% of students surveyed reported being **physically harassed or assaulted** during the previous year because of their physical appearance, 11% because of their gender, 9% because of their race.ⁱⁱⁱ

Among ALL students, 9% reported being **verbally harassed or bullied** during the previous year because of their real or perceived sexual orientation, and 13% because of their gender expression.^{iv} And 7% reported being **physically harassed or assaulted** because of their real or perceived sexual orientation, and 6% because of their gender expression.^v That means at least 1 out of every 16 Texas school students was physically assaulted at school during the previous year because someone thought they were “gay.”

While verbal and physical harassment, even assault, are large problems for *all* Texas students, one correlation above stands out. Gay and lesbian students were just as likely to be physically assaulted as verbally harassed, i.e. if one kid was going to call another “gay,” the offending kid was just as likely to punch, push, shove or kick.

Currently, there are no provisions for the State of Texas to monitor the development, implementation, and enforcement of independent school districts’ student code of conduct.

CS HB 1942:

- Amends the Education Code to allow staff development to receive training in the prevention, identification and reporting of and response to bullying.
- Provides for the transfer of the bully to another classroom or campus upon the discretion of the board of trustees. Currently, if a student wants to get away from the person who bullied him or her, the victim has to move to another classroom or campus.
- Mandates that the State Board of Education, “in consultation with the Texas School Safety Center” amend the health curriculum to “include evidence-based practices that will effectively address awareness, prevention, identification and resolution of and intervention in bullying and harassment.”
- Includes the definition of bullying in Chapter 37 (Discipline) of the Texas Education Code for the first time.
- Definition of bullying includes an “expression through electronic means”.
- Definition of bullying applies to “conduct that occurs on school property, at a school-sponsored or school-related activity, or on a vehicle operated by the district [...]”
- Expands the definition of bullying to include actions “Exploits an imbalance of power between the student perpetrator and the student victim through written or verbal expression or physical conduct[.]”

- Mandates that each board of trustees of each school district adopt an anti-bullying policy that:
 1. prohibits retaliation against anyone “who in good faith provides information concerning an incident of bullying [...]”;
 2. establishes a procedure for notifying a parent or guardian of the victim and the bully;
 3. “establishes the actions a student should take to obtain assistance and intervention in response to bullying [...]”;
 4. “sets out the available counseling options” for the victim, witness to an incident of bullying or the bully him/herself.
 5. “establishes a procedure for reporting an incident of bullying, investigating a reported incident of bullying, and determining whether the incident of bullying occurred [...]”

Equality Texas views this legislation as a major, first step towards making schools safer. According to our 2010 Equality Poll, 79.2% of Texas voters want uniform anti-bullying legislation passed to address bullying and harassment in Texas schools. It is high time we pass strong anti-bullying legislation.

ⁱ The Equality Poll 2010. Statewide poll on LGBT rights issues conducted for Equality Texas by Glengariff Group. <http://www.equalitytexas.org/content.aspx?id=476>

ⁱⁱ GLSEN, Harris Interactive, *From Teasing to Torment: A Report on School Climate in Texas* (2005), pg. 10, 11.

ⁱⁱⁱ *Id.*

^{iv} *Id.*

^v *Id.*