

AN ACT

relating to bullying in public schools.

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

SECTION 1. Section 21.451(d), Education Code, is amended to read as follows:

(d) The staff development:

(1) may include training in:

(A) technology;

(B) conflict resolution; ~~and~~

(C) discipline strategies, including classroom management, district discipline policies, and the student code of conduct adopted under Section 37.001 and Chapter 37; and

(D) preventing, identifying, responding to, and reporting incidents of bullying; and

(2) subject to Subsection (e), must include training based on scientifically based research, as defined by Section 9101, No Child Left Behind Act of 2001 (20 U.S.C. Section 7801), that:

(A) relates to instruction of students with disabilities; and

(B) is designed for educators who work primarily outside the area of special education.

SECTION 2. The heading to Section 25.0342, Education Code, is amended to read as follows:

Sec. 25.0342. TRANSFER OF STUDENTS WHO ARE VICTIMS OF OR

1 HAVE ENGAGED IN BULLYING.

2 SECTION 3. Section 25.0342, Education Code, is amended by  
3 amending Subsection (a) and adding Subsections (b-1) and (b-2) to  
4 read as follows:

5 (a) In this section, "bullying" has the meaning assigned by  
6 Section 37.0832 [~~means engaging in written or verbal expression or~~  
7 ~~physical conduct that a school district board of trustees or the~~  
8 ~~board's designee determines:~~

9 [~~(1) will have the effect of physically harming a~~  
10 ~~student, damaging a student's property, or placing a student in~~  
11 ~~reasonable fear of harm to the student's person or of damage to the~~  
12 ~~student's property; or~~

13 [~~(2) is sufficiently severe, persistent, or pervasive~~  
14 ~~enough that the action or threat creates an intimidating,~~  
15 ~~threatening, or abusive educational environment for a student].~~

16 (b-1) The board of trustees of a school district may  
17 transfer the student who engaged in bullying to:

18 (1) another classroom at the campus to which the  
19 victim was assigned at the time the bullying occurred; or

20 (2) a campus in the district other than the campus to  
21 which the victim was assigned at the time the bullying occurred, in  
22 consultation with a parent or other person with authority to act on  
23 behalf of the student who engaged in bullying.

24 (b-2) Section 37.004 applies to a transfer under Subsection  
25 (b-1) of a student with a disability who receives special education  
26 services.

27 SECTION 4. Section 28.002, Education Code, is amended by

1 adding Subsection (s) to read as follows:

2 (s) In this subsection, "bullying" has the meaning assigned  
3 by Section 37.0832 and "harassment" has the meaning assigned by  
4 Section 37.001. In addition to any other essential knowledge and  
5 skills the State Board of Education adopts for the health  
6 curriculum under Subsection (a)(2)(B), the board shall adopt for  
7 the health curriculum, in consultation with the Texas School Safety  
8 Center, essential knowledge and skills that include evidence-based  
9 practices that will effectively address awareness, prevention,  
10 identification, self-defense in response to, and resolution of and  
11 intervention in bullying and harassment.

12 SECTION 5. Section 37.001(b), Education Code, is amended to  
13 read as follows:

14 (b) In this section:

15 (1) "Bullying" has the meaning assigned by Section  
16 37.0832.

17 (2) "Harassment" means threatening to cause harm or  
18 bodily injury to another student, engaging in sexually intimidating  
19 conduct, causing physical damage to the property of another  
20 student, subjecting another student to physical confinement or  
21 restraint, or maliciously taking any action that substantially  
22 harms another student's physical or emotional health or safety.

23 (3) [~~(2)~~] "Hit list" means a list of people targeted  
24 to be harmed, using:

25 (A) a firearm, as defined by Section 46.01(3),  
26 Penal Code;

27 (B) a knife, as defined by Section 46.01(7),

1 Penal Code; or

2 (C) any other object to be used with intent to  
3 cause bodily harm.

4 SECTION 6. Section 37.083(a), Education Code, is amended to  
5 read as follows:

6 (a) Each school district shall adopt and implement a  
7 discipline management program to be included in the district  
8 improvement plan under Section 11.252. The program must provide for  
9 prevention of and education concerning unwanted physical or verbal  
10 aggression and [~~7~~] sexual harassment [~~7~~, ~~and other forms of~~  
11 ~~bullying~~] in school, on school grounds, and in school vehicles.

12 SECTION 7. Subchapter C, Chapter 37, Education Code, is  
13 amended by adding Section 37.0832 to read as follows:

14 Sec. 37.0832. BULLYING PREVENTION POLICIES AND PROCEDURES.

15 (a) In this section, "bullying" means, subject to Subsection (b),  
16 engaging in written or verbal expression, expression through  
17 electronic means, or physical conduct that occurs on school  
18 property, at a school-sponsored or school-related activity, or in a  
19 vehicle operated by the district and that:

20 (1) has the effect or will have the effect of  
21 physically harming a student, damaging a student's property, or  
22 placing a student in reasonable fear of harm to the student's person  
23 or of damage to the student's property; or

24 (2) is sufficiently severe, persistent, and pervasive  
25 enough that the action or threat creates an intimidating,  
26 threatening, or abusive educational environment for a student.

27 (b) Conduct described by Subsection (a) is considered

1 bullying if that conduct:

2 (1) exploits an imbalance of power between the student  
3 perpetrator and the student victim through written or verbal  
4 expression or physical conduct; and

5 (2) interferes with a student's education or  
6 substantially disrupts the operation of a school.

7 (c) The board of trustees of each school district shall  
8 adopt a policy, including any necessary procedures, concerning  
9 bullying that:

10 (1) prohibits the bullying of a student;

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

14 (3) establishes a procedure for providing notice of an  
15 incident of bullying to a parent or guardian of the victim and a  
16 parent or guardian of the bully within a reasonable amount of time  
17 after the incident;

18 (4) establishes the actions a student should take to  
19 obtain assistance and intervention in response to bullying;

20 (5) sets out the available counseling options for a  
21 student who is a victim of or a witness to bullying or who engages in  
22 bullying;

23 (6) establishes procedures for reporting an incident  
24 of bullying, investigating a reported incident of bullying, and  
25 determining whether the reported incident of bullying occurred;

26 (7) prohibits the imposition of a disciplinary measure  
27 on a student who, after an investigation, is found to be a victim of

1 bullying, on the basis of that student's use of reasonable  
2 self-defense in response to the bullying; and

3 (8) requires that discipline for bullying of a student  
4 with disabilities comply with applicable requirements under  
5 federal law, including the Individuals with Disabilities Education  
6 Act (20 U.S.C. Section 1400 et seq.).

7 (d) The policy and any necessary procedures adopted under  
8 Subsection (c) must be included:

9 (1) annually, in the student and employee school  
10 district handbooks; and

11 (2) in the district improvement plan under Section  
12 11.252.

13 (e) The procedure for reporting bullying established under  
14 Subsection (c) must be posted on the district's Internet website to  
15 the extent practicable.

16 SECTION 8. This Act applies beginning with the 2012-2013  
17 school year.

18 SECTION 9. This Act takes effect immediately if it receives  
19 a vote of two-thirds of all the members elected to each house, as  
20 provided by Section 39, Article III, Texas Constitution. If this  
21 Act does not receive the vote necessary for immediate effect, this  
22 Act takes effect September 1, 2011.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 1942 was passed by the House on May 4, 2011, by the following vote: Yeas 94, Nays 41, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1942 on May 24, 2011, by the following vote: Yeas 118, Nays 26, 1 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 1942 was passed by the Senate, with amendments, on May 23, 2011, by the following vote: Yeas 28, Nays 2.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor