

BILL ANALYSIS

Senate Research Center
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S.B. 205
By: Whitmire
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law does not emphasize or require specific policies by school districts to address the growing problems with school bullying and cyberbullying, as these events are lumped in with other harassment policies. Texas needs to join with the other thirty-seven states which have passed specific legislation to deal with bullying and cyberbullying.

All students have the right to participate fully in the education process, free from harassment, bullying, and cyberbullying. Students learn by example, and so administrators should set a tone of civility and respect, and demonstrate their refusal to tolerate bullying, cyberbullying and any form of harassment. Specific policies to address these events must be in place before an incident occurs. One event that results in a suicide prompted by bullying—a bullycide—is one too many.

Texas has sufficient tools for prosecutors to pursue penal code violations, when these events rise to that level. What is lacking is a concentrated and consistent effort within our school districts to develop policies that address these events utilizing evidence-based practices.

S.B. 205 empowers school districts to address bullying and cyber bullying and to prevent and to deal with these incidents in a positive and proactive manner. Texas will now have within its statutes a working definition of cyberbullying and school districts will be required to develop specific plans that clearly articulate that these events are not to be tolerated. Written plans on prevention, recognizing an event, investigating the event, protecting the victim, and appropriate actions for both the victim and the aggressor will create consistent enforcement and resolutions to these incidents. To be effective the school district policies must be comprehensive and create accountability and transparency throughout the entire process.

As proposed, S.B. 205 amends current law relating to school district policies to prohibit bullying, cyberbullying, harassment, and intimidation.

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 Subchapter C, Chapter 37, Education Code, by adding Section 37.0832, as follows:

Sec. 37.0832. SCHOOL DISTRICT POLICY TO PROHIBIT BULLYING, CYBERBULLYING, HARASSMENT, AND INTIMIDATION. (a) Defines "bullying," "cyberbullying," and "harassment" in this section.

(b) Requires each school district to adopt a policy prohibiting bullying, cyberbullying, harassment, and intimidation consistent with the district student code of conduct adopted under Section 37.001 (Student Code of Conduct). Requires a district, to the extent practicable, to develop the policy after consultation with district students, parents and guardians of district students,

school employees and volunteers, district administrators, and community representatives.

(c) Requires that the school district policy adopted under this section include:

- (1) a prohibition against bullying, cyberbullying, harassment, and intimidation;
- (2) a description of the type of behavior expected from each district student;
- (3) a description of the consequences and appropriate remedial action for a person who has engaged in an act of bullying, cyberbullying, harassment, or intimidation, including a strategy for providing counseling and for referral to appropriate services or to the appropriate county or district attorney;
- (4) a procedure for reporting an act of bullying, cyberbullying, harassment, or intimidation that includes allowing a person to anonymously report such an act;
- (5) a requirement that a district student, employee, or volunteer who witnesses or has reliable information that a student has been subjected to an act of bullying, cyberbullying, harassment, or intimidation be encouraged to report the act to the appropriate school official as designated by the district's policy;
- (6) a procedure for prompt investigation of a report of an act of bullying, cyberbullying, harassment, or intimidation;
- (7) a description of the manner in which the district will respond after an act of bullying, cyberbullying, harassment, or intimidation has been reported, investigated, and confirmed;
- (8) a prohibition against engaging in reprisal or retaliation against any person who reports an act of bullying, cyberbullying, harassment, or intimidation and a description of the consequences and appropriate remedial action for a person who engages in such reprisal or retaliation;
- (9) a prohibition against a district student, employee, or volunteer engaging in reprisal or retaliation against a victim of, witness to, or person with reliable information concerning an act of bullying, cyberbullying, harassment, or intimidation;
- (10) a description of the consequences and appropriate remedial action for a person who, for the purpose of reprisal or retaliation, has falsely accused another of having engaged in an act of bullying, cyberbullying, harassment, or intimidation;
- (11) a description of the manner in which the policy is to be publicized in the district;
- (12) a requirement that any publicizing of the policy include notice that the policy applies both to behavior on school grounds and behavior at school-sponsored activities; and
- (13) the identification by job title of each school official responsible for ensuring that the policy is implemented.

(d) Prohibits Subsection (c)(4) from being construed to authorize formal disciplinary action based solely on an anonymous report.

(e) Provides that a school district employee who promptly reports an act of bullying, cyberbullying, harassment, or intimidation to the appropriate school official in compliance with the procedure described in the district policy under Subsection (c)(4) is immune from a cause of action for damages arising from any failure to remedy the reported act.

SECTION 2. Amends Section 37.083(a), Education Code, to delete existing text requiring that the discipline management program provide for prevention of and education concerning other forms of bullying in school, on school grounds, and in school vehicles. Makes nonsubstantive changes.

SECTION 3. Effective date: upon passage or September 1, 2011.