

BILL ANALYSIS

Senate Research Center
82R30340 CAS-D

C.S.H.B. 1942
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Education
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

According to some reports, a considerable percentage of students nationwide have fallen victim to bullying and recent developments in technology have contributed to the rise of bullying by electronic means, or cyberbullying. Interested parties contend that, with more than four million students in the state public education system, Texas should improve expectations for its schools in addressing this problem. C.S.H.B. 1942 seeks to take a preventative approach to reducing bullying in Texas public schools and provide a minimal framework for schools to use in adopting and implementing a bullying policy, while being cognizant of the local control independent school districts should have in developing policy reflective of their respective communities.

C.S.H.B. 1942 amends current law relating to bullying 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 provide that the staff development is authorized to include certain training, including training 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 Subsection (a) and adding Subsections (b-1) and (b-2), as follows:

(a) Redefines, in this section, "bullying."

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

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

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

(b-2) Provides that Section 37.004 (Placement of Students With Disabilities) applies to a transfer under Subsection (b-1) of a student with a disability who receives special education services.

SECTION 4. Amends Section 28.002, Education Code, by adding Subsection (s) to define "bullying."

SECTION 5. Amends Section 37.001(b), Education Code, to define "bullying." Makes nonsubstantive changes.

SECTION 6. Amends Section 37.083(a), Education Code, to require that the program provide for prevention of and education concerning unwanted physical or verbal aggression and sexual harassment in school, on school grounds, and in school vehicles, rather than concerning unwanted physical or verbal aggression, sexual harassment, and other forms of bullying, in school, on school grounds, and in school vehicles.

SECTION 7. Amends Subchapter C, Chapter 37, Education Code, by adding Section 37.0832, as follows:

Sec. 37.0832. BULLYING PREVENTION POLICIES AND PROCEDURES. (a) Defines, in this section, "bullying."

(b) Provides that conduct described by Subsection (a) is considered bullying if that conduct exploits an imbalance of power between the student and perpetrator and the student victim through written or verbal expression or physical conduct, and interferes with a student's education or substantially disrupts the operation of a school.

(c) Requires the board of trustees of each school district to adopt a policy, including any necessary procedures, concerning bullying that:

- (1) prohibits the bullying of a student;
- (2) prohibits retaliation against any person, including a victim, a witness, or another person, who in good faith provides information concerning an incident of bullying;
- (3) establishes a procedure for providing notice of an incident of bullying to a parent or guardian of the victim and a parent or guardian of the bully within a reasonable amount of time after the incident;
- (4) establishes the actions a student should take to obtain assistance and intervention in response to bullying;
- (5) sets out the available counseling options for a student who is a victim of or a witness to bullying or who engages in bullying;
- (6) establishes procedures for reporting an incident of bullying, investigating a reported incident of bullying, and determining whether the reported incident of bullying occurred; and
- (7) prohibits the imposition of a disciplinary measure on a student who is a victim of bullying on the basis of that student's use of reasonable self-defense in response to the bullying.
- (8) requires that discipline for bullying of a student with disabilities comply with applicable requirements under federal law, including the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.).

(d) Requires that the policy and any necessary procedures adopted under Subsection (b) be included:

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

(2) in the district improvement plan under Section 11.252 (District-Level Planning and Decision-Making).

(e) Requires that the procedure for reporting bullying established under Subsection (c) be posted on the district's Internet website to the extent practicable.

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

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