

Changing the Way Texas Public Schools Address Bullying

Beginning with the 2012-13 School Year

In 2011, during the regular session of the 82nd Texas Legislature, lawmakers decided legislative action was necessary to ensure school districts responded to reports of bullying in a consistent and proactive manner. Lawmakers filed more than two dozen bills addressing bullying and heard countless hours of emotional testimony from victims and families.

Texas legislators overwhelmingly passed House Bill 1942, which will require school districts to change the way they have addressed this age-old problem.

What is Bullying?

Beginning with the 2012-13 school year, state law will define bullying as engaging in written or verbal expression, expression through electronic means, or physical conduct that occurs on school property, at a school-sponsored or school-related activity, or in a vehicle operated by the district and that: (1) has the effect or will have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property; or (2) is sufficiently severe, persistent and pervasive enough that the action or threat creates an intimidating, threatening or abusive educational environment for a student.¹

Conduct is considered bullying if it (1) exploits an imbalance of power between the student perpetrator and the student victim through written or verbal expression or physical conduct; and (2) interferes with a student's education or substantially disrupts the operation of a school.²

School Board's Role

Beginning with the 2012-13 school year, school boards must adopt policies and administrative procedures that: (1) prohibit bullying; (2) prohibit retaliation against any person, witness, or another person who in good faith provides information regarding bullying; (3) establish a procedure for providing notice of an incident of bullying to a parent or guardian within a reasonable period; (4) establish the actions a student should take to obtain assistance and intervention in response to bullying; (5) set out available counseling options for a student who is a victim of, is a witness to, or engages in bullying; (6) establish reporting and investigation procedures; (7) prohibit school officials from disciplining a student who is the victim of bullying, for

¹ Act of June 17, 2011, 82th Leg., R.S., H.B. 1942, § 7 (to be codified at Tex. Educ. Code § 37.0832).

² Act of June 17, 2011, 82th Leg., R.S., H.B. 1942, § 7 (to be codified at Tex. Educ. Code §37.0832).

the student's use of reasonable self-defense in response to bullying; and (8) require that the discipline of a student with disabilities for bullying complies with federal law, including the IDEA.³ School boards must also amend the bullying transfer provisions in current board policy. Currently, school boards have the authority only to transfer the *victim* of bullying to another classroom or campus. Effective with the 2012-13 school year, a school board may also transfer *a student who engages in bullying* to (1) another classroom at the campus to which the victim was assigned at the time the bullying occurred; or (2) another campus in the district other than the campus to which the victim was assigned at the time the bullying occurred.⁴

New board adopted anti-bullying policies and administrative procedures must be included annually in the student and employee handbooks and the district improvement plan. The procedure for reporting bullying must be posted on the district's web site, to the extent practicable.

School District Training for Students and Staff

State law encourages, but does not require, school districts to provide staff training on identifying, responding to, and reporting incidents of bullying.⁵ But, legislation did require state agencies to provide school districts with new training resources for students, teachers and other district staff, aimed at raising awareness of behaviors that may lead to bullying:

Beginning with the 2012-13 school year:

- The State Board of Education, the Texas Education Agency, and the Department of State Health Services will provide school districts with additional resources to help students and teachers better address bullying before it escalates;
- The State Board of Education, in consultation with the Texas School Safety Center, must incorporate into the TEKS for the health curriculum evidence-based best practices to help raise student awareness and address the prevention and identification of bullying; and,
- The Department of State Health Services in coordination with the Texas Education Agency must develop a clearinghouse of training programs from which school boards may select to train district staff in early mental health intervention and suicide prevention.

Conclusion

Beginning with the 2012-13 school year, Texas school boards will be required by law to adopt new or amend existing board policies that prohibit bullying, including cyber-bullying. Districts may also have to create or revise administrative procedures to address how the district responds to incidents of bullying. These changes are designed to promote a safe and secure learning environment for students. The Texas Association of School Boards will remain a resource as districts make these important revisions.

³ Act of June 17, 2011, 82nd Leg., R.S., H.B. 1942, § 7 (to be codified at Tex. Educ. Code §37.0832).

⁴ Act of June 17, 2011, 82nd Leg., R.S., H.B. 1942, § 7 (to be codified at Tex. Educ. Code §25.0342).

⁵ Act of June 17, 2011, 82nd Leg., R.S., H.B. 1942, § 7 (to be codified at Tex. Educ. Code §21.451).