

BULLYING PREVENTION POLICIES AND PROCEDURES

Texas Education Code Sec. 37.0832

(a) In this section:

(1) "Bullying":

(A) means a single significant act or a pattern of acts by one or more students directed at another student that exploits an imbalance of power and involves engaging in written or verbal expression, expression through electronic means, or physical conduct that satisfies the applicability requirements provided by Subsection (a-1), and that:

(i) 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;

(ii) is sufficiently severe, persistent, or pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student;

(iii) materially and substantially disrupts the educational process or the orderly operation of a classroom or school; or

(iv) infringes on the rights of the victim at school; and

(B) includes cyberbullying.

(2) "Cyberbullying" means bullying that is done through the use of any electronic communication device, including through the use of a cellular or other type of telephone, a computer, a camera, electronic mail, instant messaging, text messaging, a social media application, an Internet website, or any other Internet-based communication tool.

(a-1) This section applies to:

(1) bullying that occurs on or is delivered to school property or to the site of a school-sponsored or school-related activity on or off school property;

(2) bullying that occurs on a publicly or privately owned school bus or vehicle being used for transportation of students to or from school or a school-sponsored or school-related activity; and

(3) cyberbullying that occurs off school property or outside of a school-sponsored or school-related activity if the cyberbullying:

(A) interferes with a student's educational opportunities; or

(B) substantially disrupts the orderly operation of a classroom, school, or school-sponsored or school-related activity.

(c) The board of trustees of each school district shall 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) a parent or guardian of the alleged victim on or before the third business day after the date the incident is reported; and

(B) a parent or guardian of the alleged 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, including procedures for a student to anonymously report an incident of bullying, investigating a reported incident of bullying, and determining whether the reported incident of bullying occurred;

(7) prohibits the imposition of a disciplinary measure on a student who, after an investigation, is found to be a victim of bullying, on the basis of that student's use of reasonable self-defense in response to the bullying; and

(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.

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

- (1) annually, in the student and employee school district handbooks; and
- (2) in the district improvement plan.

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

(f) Each school district may establish a district-wide policy to assist in the prevention and mediation of bullying incidents between students that:

- 1) interfere with a student's educational opportunities;

Or

(2) substantially disrupt the orderly operation of a classroom, school, or school-sponsored or school-related activity.

Disciplinary Options

Texas Education Code Sec. 25.0342

(b) On the request of a parent [...], the Board of Trustees of a school district [...] shall transfer the victim [of bullying] to:

- (1) Another classroom at the campus [...]; or
- (2) A [different] campus in the school district [...]

(b-1) The Board of Trustees of a school district [...] may transfer the student who engaged in bullying to:

- (1) Another classroom at the campus [...]; or
- (2) A [different] campus in the school district [...]

Texas Education Code Sec. 37.0151

(a) The principal [...] may make a report to any school district police department, [...], after an investigation is completed, [if] the principal has reasonable grounds to believe that a student engaged in conduct that constitutes an offense under Section 22.01 or 42.07(a)(7), Penal Code.

Civil Practice and Remedies Code Sec. 129A.002

“(b) a court may issue a temporary restraining order, temporary injunction, or permanent injunction appropriate under the circumstances to prevent any further cyberbullying, including an order or injunction:

- (1) enjoining a defendant from engaging in cyberbullying; or
- (2) compelling a defendant who is a parent of or person standing in parental relation to an individual who is younger than 18 years of age to take reasonable actions to cause the individual to cease engaging in cyberbullying.”

Texas Education Code Sec. 37.0052

“a student may be removed from class and placed in a disciplinary alternative education program as provided by Section 37/008 or expelled if the student:

- (1) engages in bullying that encourages a student to commit or attempt to commit suicide;
- (2) incites violence against a student through group bullying; or
- (3) releases or threatens to release intimate visual material of a minor or a student who is 18 years of age or older without the student’s consent.”

Texas Education Code Sec. 33.006(B)(7)

“[the school counselor shall] serve as an impartial, non-reporting resource for interpersonal conflicts and discord, including accusations of bullying under Section 37.0832.”