

HB 458 -- BULLYING IN SCHOOLS (Allen)

COMMITTEE OF ORIGIN: Standing Committee on Elementary and Secondary Education

This bill changes the laws regarding bullying in schools. In its main provisions, the bill:

- (1) Adds substantial interference with the educational process or disruption of school operations to the definition of "bullying";
- (2) Prohibits bullying on school property, at any school function, and on a school bus. "Cyberbullying" is defined as transmitting a bullying communication including, but not limited to, a message, text, sound, or image by means of an electronic device; and
- (3) Requires a school district's antibullying policy to be printed in the student handbook and include:
 - (a) A statement prohibiting bullying;
 - (b) A statement requiring district employees to report any instance of bullying of which they have first-hand knowledge or reasonable cause to believe occurred;
 - (c) A procedure for the reporting and prompt investigation of an act of bullying;
 - (d) A description of the ways in which a school will respond once an incident of bullying is confirmed;
 - (e) A statement prohibiting reprisal or retaliation against a person reporting an act of bullying and the consequence and action for a person who engages in reprisal or retaliation; and
 - (f) A statement of how the policy will be publicized and a process for discussing the policy with students and training employees and volunteers in the requirements of the policy.

The bill authorizes any school district to subject a student to discipline for cyberbullying. The district must have jurisdiction to prohibit cyberbullying that originates on a school's campus if the electronic communication was made using the school's technological resources or the electronic communication was made on the school's campus using the student's own personal technological resources. The district must have jurisdiction to prohibit cyberbullying that originates off the school's campus if it was reasonably foreseeable that the electronic communication would reach the school's campus or there is a sufficient nexus between

the electronic communication and the school which includes, but is not limited to, speech that is directed at a school-specific audience or the speech was brought onto or accessed on the school campus, even if it was not the student in question who did so.

In determining the appropriate disciplinary action for a cyberbullying offense, the district must consider the nature of the offense, the age of the student, and for a first-time or minor cyberbullying offense, the district may mandate that the student attend counseling and education sessions; for a second or more serious cyberbullying offense, the district may prohibit the student from participating in school activities or events; and for a serious incident of cyberbullying, the school may suspend or expel the student.