



## **Fact Sheet on House Bill 1323** ***Anti-Bullying/Harassment Bill***

*Equality Texas Supports HB 1323*

<b>Bill Number:</b>	House Bill 1323
<b>Unofficial Name:</b>	The Anti-Bullying/Harassment Bill
<b>Bill Author:</b>	Representative Mark Strama
<b>Joint Authors:</b>	Representatives Pierson, Gonzales, Anchia, Lucio III
<b>Co-Authors:</b>	Representatives Allen, Alvarado, Burnam, Chavez, Cohen, Dukes, Farias, Hernandez, Howard, D., Marquez, Rose
<b>Short description:</b>	Would (inter alia) amend the Education Code to add reporting standards for bullying incidents at Texas schools, and expands the definition of bullying to include expression through electronic means (cyber-bullying).
<b>Committee Assignment:</b>	Public Education
<b>Current Status:</b>	<b>5/8/09 – Placed on Daily House Calendar</b>

### **SUPPORTIVE STATEMENTS:**

There is no excuse for failing to protect school children. The State of Texas is obligated to provide a safe learning environment. Schools should be given the tools they need to address safety problems in their schools and at school related events.

Legislation passed in 2005 amended Chapter 37 of the Education Code to require school districts to adopt student codes of conduct that explicitly proscribe bullying and harassment. We support efforts to measure compliance with this legislation and to evaluate the effectiveness of these codes in Texas public schools.

### **QUICK FACTS:**

Bullying and harassment are real problems in Texas schools. In 2005, one survey found that 39% of Texas students reported being **verbally harassed** at least once during the previous year because of their physical appearance, 28% at least once because of their race/ethnicity, and 21% at least once because of their religion.<sup>i</sup>

More disturbingly, 17% of students surveyed reported being **physically harassed or assaulted** during the previous year because of their physical appearance, 11% because of their gender, 9% because of their race.<sup>ii</sup>

Among ALL students, 9% reported being **verbally harassed or bullied** during the previous year because of their real or perceived sexual orientation, and 13% because of their gender expression.<sup>iii</sup> And 7% reported being **physically harassed or assaulted** because of their real or perceived sexual orientation, and 6% because of their gender expression.<sup>iv</sup> That means at least 1 out of every 16 Texas school students was physically assaulted at school during the previous year because someone thought they were “gay.”

While verbal and physical harassment, even assault, are large problems for ALL students in Texas schools, one correlation above stands out. Gay and lesbian students were just as likely to be physically assaulted as verbally harassed, i.e. if one kid was going to call another “gay,” the offending kid was just as likely to punch, push, shove or kick.

Currently, there are no provisions for the State of Texas to monitor the development, implementation, and enforcement of independent school districts’ student code of conduct.

**HB 1323:**

- Expands the definition of bullying by including bullying by electronic means such as computers, cell phones, text messaging, and instant messaging.
- Expands the current definition of bullying to include incidents that occur off school property if the communication is likely to cause a disruption to the educational environment of a campus.
- Provides for the movement of the bully to another classroom or campus if the victim requests this. It allows the district administration to make that call. Currently, if a student wants to get away from the person who bullied him or her, the victim has to move to another classroom or campus.
- Includes the definition of bullying in Chapter 37, the discipline chapter, of the Texas Education Code for the first time.
- Expands the mandatory sexual harassment policy that districts are required to have to include bullying. Provisions for the prevention of bullying and sexual harassment of students must be included in this policy, including instructing students on what “bullying” and “sexual harassment” are, and how to report them.
- Requires notification of the parents or guardians of both the victim and the student who is bullying or sexually harassing another student.
- Expands the PEIMS reporting requirement to include incidents of bullying, harassment, and sexual harassment. Includes a requirement to report if incidents were a result of race, ethnicity, color, religion, gender, gender identity, sexual orientation, national origin, or disability.

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<sup>i</sup> GLSEN, Harris Interactive, *From Teasing to Torment: A Report on School Climate in Texas* (2005), pg. 10, 11.

<sup>ii</sup> *Id.*

<sup>iii</sup> *Id.*

<sup>iv</sup> *Id.*