



## Fact Sheet on House Bill 224 *Anti-Bullying/Harassment*

<b>Bill Number:</b>	House Bill 224
<b>Unofficial Name:</b>	Anti-Bullying/Harassment
<b>Bill Author:</b>	Representative Mark Strama
<b>Short Description:</b>	Amends the Texas Education Code to require (inter alia) policy and program development, staff and parent training for the prevention and reporting of bullying. Amends Education Code definition of <i>bullying</i> , to include cyberbullying.
<b>Committee Assignment:</b>	Education.

### **SUPPORTIVE STATEMENT**

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

According to a 2010 poll conducted for Equality Texas, when asked: “Would you support or oppose legislation that would provide direction to Texas teachers on how to protect all children from bullying, harassment and discrimination in school, including the children of gay and lesbian parents or teenagers who are gay?” an overwhelming 79.2% of respondents answered in the affirmative.<sup>i</sup>

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 strongly support Rep. Strama’s efforts to measure compliance with this legislation and to evaluate the effectiveness of these codes in Texas public schools. Currently, the only difference between SB 245 by Senator Wendy Davis and HB 224 by Rep. Strama is that HB 224 does not include the terms “gender identity and expression” in the reporting requirement provisions. We consider the inclusion of this language to be an important component of the reporting requirements of this bill and will work to amend HB 224 to be identical to SB 245.

Bullying and harassment are not “rites of passage,” or “learning experiences.” Bullying and harassment are serious behaviors that use violence and intimidation to lash out at other students.

## **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>ii</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>iii</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>iv</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>v</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* Texas students, 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 224:**

- Amends the Education Code to require teachers to receive training in the prevention, identification and reporting of and response to bullying.
- Provides for the transfer of the bully to another classroom or campus upon the request of a parent or guardian. Gives transfer authority to the school district’s board of trustees. 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 (Discipline) of the Texas Education Code for the first time.
- Expands the definition of bullying to include bullying by electronic means such as computers (Internet/electronic media), cell phones, text messaging, and instant messaging.
- Expands the definition of bullying to include incidents that occur off school property or outside of a school-sponsored/related activity if the conduct is likely to cause a disruption to the educational environment of a campus.
- Expands the definition of bullying to include actions “motivated by a perceived imbalance of power based on another student’s actual or perceived personal characteristics, behavior, or beliefs or by another student’s association with a third person and based on the third person’s characteristics, behavior, or beliefs”.
- Mandates that each school district adopt a policy that (inter alia) would require each school principal to develop a campus strategy for protecting all students from being bullied. Also requires

that each district develop an educational program for parents and guardians focused on “preventing, identifying, responding to, and reporting incidents of bullying.”

- Except in certain circumstances, mandates that the school district superintendent provide notice to the parent or guardian of the victim of the alleged bullying. This provision also mandates that the school principal inform the victim of their right to not have their parent or guardian notified of the incident.
- Mandates that each board of trustees’ required annual report on district performance include a statement documenting “the number, rate, and type of incidents of bullying, including cyberbullying, harassment, sexual harassment, and discrimination against any student on the basis of the actual or perceived race, ethnicity, color, religion, gender, sexual orientation, national origin, or disability of the alleged perpetrator or victim that occurred on each district campus[...].” As noted previously, unlike SB 245 by Senator Wendy Davis, HB 224 by Rep. Strama does not currently include language requiring reporting on incidents of bullying as a result of the victim’s gender identity or expression.

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<sup>i</sup> The Equality Poll 2010. Statewide poll on LGBT rights issues conducted for Equality Texas by Glengariff Group. <http://www.equalitytexas.org/content.aspx?id=476>

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

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

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

<sup>v</sup> *Id.*