

2017-2018
BULLYING: REVISIONS TO DEFINITION AND NOTIFICATION

The Texas Legislature, in a bill known as “David’s Law” (SB179), **has substantially changed the definition of “bullying” as applied to schools**. Principals and assistant principals, in particular, will want to be prepared for **increased reports of bullying and the associated notification requirements**.

NEW DEFINITION:

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, and that:

- 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;
- is sufficiently severe, persistent, **or** pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student;
- **materially and substantially disrupts the educational process or the orderly operation of a classroom or school; or**
- **infringes on the rights of the victim at school; and**
- **includes cyberbullying.**

Bullying and cyberbullying can be on or off campus if it: (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.

Many schools have interpreted the prior statute to exclude from the definition of bullying an event that only happens once. **The revision to the definition will require administrators to consider whether an isolated incident may, indeed, be bullying.** **New to the definition of bullying is the addition of “cyberbullying,” which includes computer, telephone, camera, social media, text message, or other electronic activity.** The location of potential bullying has expanded vastly, including information “delivered to” school property and bullying that occurs in a private vehicle used to transport students to or from a school activity. **With respect to cyberbullying, it now can include off-campus behavior, which is a significant change to the previous law.**

Additionally, SB179 requires there to be **a procedure for students to report bullying anonymously**. The statute has specific requirements for administrators to **notify the parents of an *alleged* victim of bullying within three business days of an incident being reported, and the parents of the *alleged* bully within a reasonable time.** **For the first time, the release or threat to release intimate visual material of a student 18 years old or younger is grounds for DAEP placement or expulsion.** **Encouraging a student to commit or attempt to commit suicide** or inciting violence against a student through group bullying are also grounds for expulsion or DAEP placement.