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Cyberbullying and the Impact of David's Law

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David's Law (SB 179) – Before & After

TEC Definition of Bullying Before SB 179	TEC Definition of Bullying After SB 179
<p>§ 37.0832(a)(1)(A): Bullying means engaging in written or verbal expression, expression through electronic means, or physical conduct that occurs on school property, at a school-sponsored or school-related activity, or in a vehicle operated by the district and that:</p> <ol style="list-style-type: none"> 1. 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; or 2. Is sufficiently severe, persistent, <u>and</u> pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student <p>(b) Conduct described by Subsection (a) is considered bullying if that conduct:</p> <ol style="list-style-type: none"> (1) exploits an imbalance of power between the student perpetrator and the student victim through written or verbal expression or physical conduct; and (2) interferes with a student's education or substantially disrupts the operation of a school. 	<p>§ 37.0832(a)(1)(A): Bullying 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:</p> <ol style="list-style-type: none"> (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, <u>or</u> 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 <p>(B) includes cyberbullying.</p> <p>(A-1) This section applies to:</p> <ol style="list-style-type: none"> 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

	<p>3. cyberbullying that occurs off school property or outside of a school-sponsored or school-related activity if the cyberbullying:</p> <p>(A) Interferes with a student's educational opportunities; or</p> <p>(B) Substantially disrupts the orderly operation of a classroom, school, or school-sponsored or school-related activity.</p>
<p align="center">New: The Definition of "Cyberbullying"</p>	
<p>TEC § 37.0832(a)(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.</p>	
<p align="center">Changes to ISD Bullying Policy</p>	
<p>TEC § 37.0832 (c) The board of trustees of each school district shall adopt a policy, including any necessary procedures, concerning bullying that:</p> <ol style="list-style-type: none"> (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: <ol style="list-style-type: none"> (A) a parent or guardian of the <u>alleged</u> victim <u>on or before the third business day after the date the incident is reported</u>; and (B) a parent or guardian of the <u>alleged</u> 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, <u>including procedures for a student to anonymously report an incident of bullying</u>, 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 the bullying; and (8) requires that discipline for bullying of a student with disabilities comply with applicable requirements under federal law, including the IDEA. 	

Also available as part of the eCourse

[Hot Topics in School Law: Cyberbullying, Special Education Issues, and Copyright](#)

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