

When is Bullying illegal?

- What is BULLYING?
- **“Bullying is when someone repeatedly and on purpose says or does mean or hurtful things to another person who has a hard time defending himself or herself.”**

# Three Key Components of Bullying Behavior

1. Involves an **aggressive behavior**
2. Typically involves a pattern of behavior repeated over time
3. Imbalance of power or strength

Is Bullying Illegal?

The Texas Penal Code does not directly use the word “bullying”, but the conduct that encompasses bullying is addressed in the following offenses.

## 22.01. ASSAULT

(a) A person commits an offense if the person:

(1) intentionally, knowingly, or recklessly causes bodily injury to another,

(2) intentionally or knowingly threatens another with imminent bodily injury, or

3) intentionally or knowingly causes physical contact with another when the person knows or should reasonably believe that the other will regard the contact as offensive or provocative.

## 22.04. INJURY TO A CHILD

(a) A person commits an offense if he

- intentionally, knowingly, recklessly, or with criminal negligence, by act or intentionally, knowingly, or recklessly by omission, causes to a child:
  - (1) serious bodily injury;
  - (2) serious mental deficiency, impairment, or injury;
  - (3) bodily injury.

## 22.05. DEADLY CONDUCT.

- (a) A person commits an offense if he recklessly engages in conduct that places another in imminent danger of serious bodily injury.



## 22.07. TERRORISTIC THREAT.

(a) A person commits an offense if he threatens to commit any offense involving violence to any person or property with intent to:

- (1) cause a reaction of any type to his threat by an official or volunteer agency organized to deal with emergencies;
- (2) place any person in fear of imminent serious bodily injury;

Beginning 2012-13 school year, the Board of Trustees of each school district must adopt a policy, together with procedures, that:

- (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 a parent or guardian of the victim and a parent or guardian of the 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;

## Policy cont.

(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, 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 to the bullying; and

(8) requires that discipline for bullying of a student with disabilities comply with applicable law, including the Individuals with Disabilities Education.

The policy must be included in the district's employee and student handbooks and in the district's improvement plan.

Procedure for reporting an incident of bullying must be posted on the district's website, if practicable.

## Section 21.451

Requires school districts to provide campus-based staff development which includes conflict resolution and discipline strategies.

May include training on preventing, identifying, responding to and reporting incidents of bullying.

The district's Student Code of Conduct must contain provisions prohibiting bullying, harassment and making hit lists and ensuring that the district's employees enforce those prohibitions.

## Section 37.083

The district's discipline management program, which includes sexual harassment policies, must provide for the prevention of unwanted physical or verbal aggression, sexual harassment and other forms of bullying in school, on school grounds and in school vehicles, and also to provide for education about the conduct.

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