



SB 179 - David's Law 85th Texas Legislative Session

Relating to harassment, bullying, and cyberbullying of a public school student or minor and encouraging certain mental health programs for public school students; increasing a criminal penalty, providing a civil remedy.

EDUCATION CODE

Law amends the Education Code provisions regarding bullying to better define and encompass cyberbullying. It encourages school districts to establish a district-wide policy related to bullying prevention and mediation. It provides for anonymous reporting for students, includes cyberbullying off campus and after school hours, and modifies the parental/guardian notification procedure. It provides flexibility in the disciplinary placement or the expulsion of students engaged in certain types of very serious bullying. It authorizes school principals to report certain incidents of bullying to local law enforcement, and provides protection from liability for doing so. It expands the scope of instruction that can satisfy continuing education requirements for classroom teachers and principals to include instruction related to grief-informed and trauma-informed strategies. It requires the Texas Education Agency (TEA) to maintain a website with resources related to student mental health needs.

WHO IS COVERED BY THIS LAW

Public schools, as well as open-enrollment charter schools, are subject to this law. Private schools are not included.

DEFINING CYBERBULLYING

"Cyberbullying" as defined in David's Law means bullying arising from a pattern of acts or one significant act that is done through the use of any electronic communication device, including 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.

WHERE THIS LAW APPLIES

Because of David's Law, "cyberbullying" is now more specifically included in the definition of "bullying" in the Education Code.

The bullying provisions in the Education Code (including pre-existing law and changes made by David's Law) apply to:

- Bullying that occurs on or is delivered to a school property or to the site of a school-sponsored or school-related activity on or off school property;
- 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;
- Cyberbullying that occurs off school property or outside of a school-sponsored or school-related activity if the cyberbullying interferes with a student's educational opportunities or substantially disrupts the orderly operation of a classroom, school, or school-sponsored or school-related activity.

(This expansion of a school district's authority to include off-campus incidents is one of the most significant aspects of David's Law.)

NOTICE OF CYBERBULLYING

David's Law requires the board of trustees of each school district to have the notice procedures under its bullying policy provide for notice of an incident of bullying:

- To a parent or guardian of the alleged victim on or before the third business day after the date the incident is reported (the specification of three business days being new); and
- A parent or guardian of the alleged bully within a reasonable amount of time after the incident (as under pre-existing law).

WHO CAN REPORT

David's Law makes it possible for students to anonymously report an incident of any type of bullying, including cyberbullying. (Parents and teachers can still report bullying, but a procedure for anonymous reporting is only required for reporting by students.)

The principal or a person designated by the principal (other than a school counselor) is authorized under David's Law to make a report of certain bullying that rises to the level of being a crime to any school district police department or the police department of the municipality in which the school is located. If the school is not in a municipality, the person reporting the bullying can contact the sheriff of the county in which the school is located.

Additionally, a person who is not a school employee but is employed by an entity that contracts with a district or school to use school property is not required to make a report and may not be designated by the principal to make a report.

Furthermore, strong protections from civil or criminal liabilities, and from disciplinary action, are given to schools and school personnel who report criminal bullying to law enforcement officials under this law.

ENGAGING IN CERTAIN BULLYING

This law authorizes a school to remove a student who is engaging in bullying activity from class and place them in a disciplinary alternative education program or expel them if they encourage a student to die by suicide, attempt suicide, incite violence against a student through group bullying; or release or threaten to release intimate visual material of a minor or of a student who is 18 years of age or older without the student's consent.

COUNSELOR'S ROLE

David's Law provides that in addition to a school counselor's responsibilities, the counselor will serve as an impartial, non-reporting resource for interpersonal conflicts and discord involving two or more students, including accusations of bullying. This role will not exempt a school counselor from any mandatory reporting requirements imposed by other provisions of law.

PREVENTION

The new law adds the following to the areas that are to be covered by the list prepared and maintained by the Department of State Health Services of recommended best practice-based programs for implementation in public schools (from which school districts may select for implementation in the district):

- Early mental health intervention;
- Mental health promotion;
- Substance abuse prevention;
- Substance abuse intervention;
- Suicide prevention;
- Grief-informed and trauma-informed practices;
- Skills related to managing emotions, establishing and maintaining positive relationships, and responsible decision-making;
- Positive behavior interventions and supports and positive youth development; and
- Safe and supportive school climate.

RESOURCES

The Texas Education Agency, in coordination with the Health and Human Services Commission, will create and maintain a website to provide resources for school employees regarding working with students with mental health conditions. The website information must include:

- Grief-informed and trauma-informed practices;
- Building skills related to managing emotions, establishing and maintaining positive relationships, and responsible decision-making;
- Positive behavior interventions and support; and
- A safe and supportive school climate.

CIVIL RELIEF FOR CYBERBULLYING OF MINOR

David's Law creates a new avenue of civil relief for cyberbullying victims who are minors by allowing a cyberbullying victim younger than 18 years of age at the time the cyberbullying occurs (or a parent of or person standing in parental relation to that victim) to seek injunctive relief, such as a temporary restraining order and/or an injunction, against the cyberbully, with some of the requirements normally applicable to injunctive relief being significantly relaxed.

Also, these victims will be able to have the court issue an injunction against not only the cyberbully, but also **against the cyberbully's parents**, requiring those parents to take action to stop their child from cyberbullying.

This law requires the Texas Supreme Court to make available to the general public easy-to-understand forms and instructions (both in English and in Spanish) that can be used to apply for initial injunctive relief in suits involving cyberbullying under David's Law.

CRIMINAL HARASSMENT STATUTE

David's Law changes Section 42.07 of the Penal Code, better known as the Harassment Statute, to more fully and clearly include the modern Internet-based communication tools and methods perpetrators use to cyberbully their victims.

Also, under the changes made by David's Law, if a person commits an offense under the cyberbullying provision of the Harassment Statute, it is a Class A misdemeanor (rather than merely a Class B misdemeanor) if:

- The person has previously been convicted under this section; or
- The offense was committed against a child under 18 years of age with the intent that the child die by suicide or engage in conduct causing serious bodily injury to the child; or
- The person has previously violated a temporary restraining order or injunction issued under the new civil provisions in David's Law (discussed above).



SB 179 - La Ley de David

Sesión Legislativa 85° de Texas

En relación con el hostigamiento, la intimidación y el acoso cibernético a estudiantes o menores de edad en escuelas públicas y el fomento de ciertos programas de salud mental para estudiantes de escuelas públicas; aumentando la pena criminal, proporcionando un remedio civil.

CÓDIGO DE EDUCACIÓN

La ley enmienda las disposiciones del Código de Educación con respecto a la intimidación, para definirlo mejor y abarcar el acoso cibernético. Alienta a los distritos escolares a establecer una política al nivel de distrito, relacionada con la prevención y la mediación del acoso escolar. Permite informes anónimos por parte de los estudiantes, incluyendo el acoso cibernético fuera de la escuela y después del horario escolar, y modifica el procedimiento de notificación de los padres o guardianes. Brinda flexibilidad en las acciones disciplinarias o la expulsión de estudiantes que participen en actos graves de intimidación. Autoriza a los directores de escuelas a denunciar ciertos incidentes de acoso a la policía local y brinda protección legal para hacerlo. Amplía el alcance educativo que satisfaga los requisitos de educación continua para maestros y directores, para incluir entrenamiento relacionado con estrategias para lidiar con dolor y trauma. Requiere que la Agencia de Educación de Texas (TEA) mantenga un sitio web con recursos para ayudar con la salud mental de los estudiantes.

A QUIÉN APLICA ESTA LEY

Las escuelas públicas, así como las escuelas autónomas de inscripción abierta (public charter schools), están sujetas a esta ley. Las escuelas privadas no están incluidas.

DEFINICIÓN DE CIBERBULLYING

La Ley de David define el "acoso cibernético" como la intimidación derivada de un patrón de actos o un acto significativo realizado mediante el uso de un dispositivo de comunicación electrónica, tales como teléfonos celulares o de otros tipos, computadoras, cámaras, correos electrónicos, mensajería instantánea, mensajes de texto, aplicaciones de redes sociales, sitios web de Internet o cualquier otra herramienta de comunicación basada en el Internet.

DONDE SE APLICA ESTA LEY

Debido a la Ley de David, el "acoso cibernético" ahora se incluye más específicamente en la definición de "intimidación" en el Código de Educación.

Las disposiciones de intimidación en el Código de Educación (incluidas las leyes preexistentes y los cambios realizados por la Ley de David) se aplican a:

- Intimidación que ocurre en o se envía a una propiedad de la escuela o al sitio de una actividad patrocinada o relacionada con la escuela dentro o fuera de la propiedad de la escuela;
- Intimidación que ocurre en un autobús o vehículo escolar de propiedad pública o privada que se use para el transporte de estudiantes hacia o desde la escuela o una actividad patrocinada o relacionada con la escuela;
- Hostigamiento cibernético que ocurre afuera de la propiedad escolar o afuera de una actividad patrocinada o relacionada con la escuela si el acoso cibernético interfiere con las oportunidades educativas del estudiante o interrumpe sustancialmente el funcionamiento ordenado del salón escolar, de la escuela o de una actividad patrocinada por la escuela o relacionada con la escuela.

(Esta expansión de la autoridad del distrito escolar para incluir incidentes fuera del campus es uno de los aspectos más importantes de la Ley de David).

AVISO DE CIBERBULLYING

La Ley de David requiere que la junta directiva de cada distrito escolar tenga procedimientos de notificación ajustada a su política de intimidación que provea la notificación de un incidente de intimidación:

- A un padre o guardián de la presunta víctima en o antes del tercer día hábil después de la fecha en que se informa el incidente (la especificación de tres días hábiles es nueva); y
- Al padre o guardián del presunto acosador dentro de un período de tiempo razonable después del incidente (como indicado en la ley preexistente).

QUIEN PUEDE INFORMAR

La Ley de David permite que los estudiantes denuncien anónimamente un incidente de cualquier tipo de intimidación, incluido el ciberacoso. (Los padres y los maestros aún pueden denunciar la intimidación, pero los informes anónimos solo son para los estudiantes.)

El director o una persona designada por el director (que no sea un consejero escolar) está autorizada por la Ley de David para informar a un departamento de policía del distrito escolar o al departamento de policía del municipio donde se encuentra la escuela acerca de ciertos actos de intimidación que llegan a ser un delito. Si la escuela no se encuentra dentro de un municipio, la persona que informa el acoso escolar puede contactar al sheriff del condado en el que se encuentra la escuela.

Además, una persona que no esté empleada en la escuela, sino que sea empleada por una entidad contratada por el distrito o por la escuela para usar la propiedad de la escuela no está obligada a hacer un informe y el director no puede designarla para hacer un informe.

Más aun, se otorgan fuertes protecciones contra responsabilidades civiles o penales, y contra medidas disciplinarias, a las escuelas y al personal de la escuela que denuncien acoso criminal a los funcionarios encargados de hacer cumplir la ley bajo este reglamento.

PARTICIPANDO EN CIERTOS ACTOS DE INTIMIDACIÓN

Esta ley autoriza a la escuela a expulsar de la clase a un estudiante que realice actividades de intimidación y reubicarlo en un programa disciplinario de educación alternativa o expulsarlo si alienta a otro alumno morir por suicidio; incite a la violencia contra un estudiante a través del acoso grupal; o libera o amenaza con liberar material visual íntimo de un menor de edad o de un estudiante que tenga 18 años o mayor sin el consentimiento del estudiante.

EL PAPEL DEL CONSEJERO

La Ley de David estipula que, además de las responsabilidades de un consejero escolar, el consejero servirá como un recurso imparcial, no-denunciante de los conflictos interpersonales y la discordia entre dos o más estudiantes, incluidas las acusaciones de intimidación. Esta función no eximirá al consejero escolar de los requisitos obligatorios de información impuestos por otras disposiciones de la ley.

PREVENCIÓN

La nueva ley agrega lo siguiente a las áreas que serán cubiertas por la lista preparada y mantenida por el Departamento de Servicios de Salud del Estado de los programas recomendados basados en las mejores prácticas para la implementación en las escuelas públicas (a partir de las cuales los distritos escolares pueden seleccionar para su implementación en el distrito):

- Intervención temprana de salud mental;
- Promoción de la salud mental;
- Prevención del abuso de sustancias;
- Intervención en caso de abuso de sustancias;
- Prevención del suicidio;
- Prácticas para ayudar con dolor y trauma;
- Habilidades relacionadas con el manejo de las emociones, el establecimiento y el mantenimiento de relaciones positivas y la toma responsable de decisiones;
- Intervenciones de comportamiento positivo y apoyo y desarrollo positivo de la juventud; y
- Ambiente escolar seguro y agradable.

RECURSOS

La Agencia de Educación de Texas, en coordinación con la Comisión de Salud y Servicios Humanos, creará y mantendrá un sitio web para proporcionar recursos a los empleados de la escuela con respecto al trabajo con estudiantes con problemas de salud mental. La información del sitio web debe incluir:

- Prácticas para ayudar con dolor y trauma ;
- Desarrollar habilidades relacionadas con el manejo de las emociones, el establecimiento y mantenimiento de relaciones positivas y la toma de decisiones responsables;
- Intervenciones de comportamiento positivo y apoyo; y
- Un clima escolar seguro y de apoyo.

ALIVIO CIVIL PARA VÍCTIMAS MENORES DE EDAD

La Ley de David crea una nueva vía de alivio civil para las víctimas de intimidación cibernética menores de edad, al permitir que una víctima de acoso cibernético menor de 18 años al momento del ciberacoso (o su padre o una persona en relación parental con esa víctima) busque medidas cautelares de alivio, como una orden de restricción temporal y/o una orden judicial, contra el acosador cibernético, con algunos de los requisitos normalmente aplicables a esta medida cautelar significativamente relajados.

Además, estas víctimas podrán hacer que el tribunal emita una orden judicial no solo contra el acosador cibernético, sino también contra los padres del acosador cibernético, requiriendo que esos padres tomen medidas para evitar que su hijo sea un ciberacosador.

Esta ley requiere que la Corte Suprema de Texas ponga a disposición del público general formularios e instrucciones fáciles de entender (tanto en inglés como en español) que puedan utilizarse para solicitar una medida cautelar inicial en demandas relacionadas con el acoso cibernético según la Ley de David.

ESTATUTO DEL ACOSO CRIMINAL

La Ley de David cambia la Sección 42.07 del Código Penal, mejor conocida como el Estatuto de acoso, para incluir de manera más completa y clara, las herramientas modernas de comunicación basadas en Internet y los métodos utilizados por los acosadores para hostigar cibernéticamente a sus víctimas.

Además, según los cambios realizados por la Ley de David, si una persona comete una ofensa bajo la disposición de hostigamiento cibernético del Estatuto de Acoso, es un delito menor de Clase A (en lugar de simplemente un delito menor de clase B) si:

- La ofensa se cometió contra un niño menor de 18 años con la intención de que el niño se suicide o participe en una conducta que le cause lesiones corporales graves; o
- La persona ha violado previamente una orden de restricción temporal o una medida cautelar emitida conforme a las nuevas disposiciones civiles en la Ley de David (discutida anteriormente).

BULLYING CHECKLIST

FOR SCHOOLS

PLEASE READ BEFORE USING CHECKLIST

To determine whether an act is bullying or cyberbullying by law, proceed down the checklist and provide a checkmark for each true statement. If any identified section does not receive at least one checkmark, then the act is not considered bullying by state law.

SB 179, "David's Law" expanded authority to school districts, allowing public and charter schools to address cyberbullying off-campus and outside of school-related or school-sponsored activities based on specific criteria. In order to address this legislative change, this checklist may help parents, educators, and administrators determine if a student at their school has been bullied according to the legislative definition. Please follow the conditional 'yes/no' logic for the questions regarding the use of electronic communication devices in possible bullying scenarios.

Did the act occur outside of a school-sponsored or school-related activity?

(This is an important distinction, as David's Law expands a school district's authority to include cyberbullying incidents that occur off campus and outside a school-sponsored or school-related activity, as long as it meets one of the below criteria.)

Yes

Did the act interfere with a student's educational opportunities; or substantially disrupt the orderly operation of a classroom, school, or school-sponsored/related activity?

No

According to law, if the act **DID NOT** meet the criteria above, it is not under the school district's authority.

IS IT BULLYING?

Was it a single significant act?
Was it a pattern of acts?

By one or more students directed at another student that **exploits an imbalance of power**

Through physical contact
Using verbal expression
Using written expression
Using electronic means

Physically harms a student or damages their property
Creates reasonable fear of harm to student or damage to their property
Is sufficiently severe, persistent, or pervasive enough that the action or threat creates:
Intimidating educational environment
Threatening educational environment
Abusive educational environment
Materially and substantially disrupts the educational process or operation of school
Infringes on rights of victim at school

Was the act committed by using any type of electronic communication device?

Yes

(i.e. Cellular or other phone, computer, camera, e-mail, text or instant messaging, social media app, Internet website, Internet communication tool)

No

On school property
At a school-sponsored or school-related activity (on or off campus)
On school bus or vehicle used to transport students

YES, IT'S BULLYING
(Cyberbullying is bullying)

LISTA DE ACOSO

(BULLYING)

PARA ESCUELAS

FAVOR DE LEER ANTES DE USAR LISTA DE CONTROL

Para determinar si el acto es acoso o ciberacoso por ley, se usa esta lista de control para proporcionar una marca de verificación para cada declaración correcta. Si alguna sección identificada no recibe por lo menos una marca de verificación, el acto no es considerado como acoso por ley del estado.

La ley de "David SB179" expandió autoridad hacia otros distritos escolares, permitiendo a las escuelas publicas y charters dirigir ciberacoso fuera de las escuelas y actividades escolares patrocinadas o no patrocinadas, basadas en criteria específica. Este cambio legislativo usara esta lista para ayudar a padres, educadores, y administradores a determinar si un estudiante en su escuela a sido acosado conforme a la definición legislada. Lógicamente siga la condicion de Sí/No para las preguntas respecto al uso de comunicación electrónica en posibles escenarios de acoso.

¿El acto ocurrió durante una actividad relacionada o patrocinada con la escuela?

(Esta es una distinción importante por la razón que "David's Law" expande la autoridad de los distritos escolares para incluir incidentes como ciberacoso que ocurren fuera de la escuela y fuera de un evento patrocinado o relacionado como una actividad por la escuela, debe estar dentro de la lista.)

Si

¿El acto interfirió con las oportunidades educacionales de el estudiante; o substancialmente interrumpió la orden de operación de la clase, escuela, o una actividad relacionada o patrocinada por la escuela?

No

Conforme con la ley, si el acto **NO CUMPLE** con la criteria, no esta bajo la autoridad del distrito escolar.

ES ACOSO? (BULLYING?)

¿Fue solo un acto?

¿Fueron varios actos o eventos sucedidos?

¿Por un o más estudiantes dirigidos hacia otro estudiante que **toma un desequilibrio de poder**?

Por contacto físico

Usando expression verbal

Usando expression escrita

Usando medios electrónicos

Físicamente hizo daño al estudiante o propiedad del estudiante

Creó miedo razonable hacia el estudiante o miedo de daño a su(s) propiedades

Es suficiente severo, persistente, o bastante penetrante que la acción o amenaza crea:

Un ambiente escolar amenazante

Un ambiente escolar intimidado

Un ambiente escolar abusivo

Materialmente y substancialmente interrumpe el proceso educativo y la operación de la escuela

Infrinje los derechos de la víctima en la escuela

¿El acto fue cometido usando cualquier tipo de comunicación electrónica?

(Teléfono celular o cualquier otro teléfono, computadora, cámara, correo electrónico, texto o mensaje instantáneo, aplicación de redes sociales, pagina del internet, o cualquier aplicación o comunicación del internet)

No

En propiedad de la escuela

En una actividad patrocinada o relacionada con la escuela (dentro o fuera de escuela)

En camión de la escuela o cualquier vehículo de transporte para estudiantes

SI, ES ACOSO

(Ciberacoso es acoso)

TEXAS STATE

TEXAS SCHOOL SAFETY CENTER

www.txssc.txstate.edu

Translated in spanish by Administrative Services at SISD

Oct. 2017

APPLYING THE TXSSC'S BULLYING CHECKLIST FOR SCHOOLS

Instructions: *The following hypothetical scenarios are meant to provide further guidance, and act as an example, when using the **TxSSC's Bullying Checklist for Schools**. Each of the examples below provide a hypothetical scenario and then apply each component of the checklist to the situation, ultimately determining if the action or actions meets the legal definition of bullying according to the Texas Education Code.*

SCENARIO #1

Lee waits for Jessie to leave their first period class at the middle school every day. Lee is much larger stature, an athlete, and does not like Jessie. Almost every day, Lee confronts Jessie following their first period class by knocking Jessie's books from his hands. Jessie does nothing to retaliate.

IS THIS BULLYING?

YES | According to the bullying checklist, it meets the necessary criterion to be considered bullying.

Application of the TxSSC's bullying checklist for schools:

- This happening multiple times after 1st period makes this a pattern of acts.
- The acts are between Lee and Jessie, making it from one student directed at another. Since Lee is larger, it also exploits an imbalance of power. There also could be other imbalances of power that are not immediately apparent.
- The knocking of the books from the hands is physical expression.
- Lee knocking books from Jessie's hands damages Jessie's property and creates reasonable fear of harm to Jessie and damage to his property. Since the acts happen almost every day, the acts are persistent. The continuous knocking of books from Jessie's hands creates at least an intimidating and threatening educational environment.
- The incidents happen on school property.

APPLYING THE TXSSC'S BULLYING CHECKLIST FOR SCHOOLS

SCENARIO #2

Taylor and Devin communicate through text and social media every day. Taylor and Devin are both interested in dating a student named Ryan. At some point, Devin starts telling false rumors to Ryan about Taylor, in order to get Ryan to dislike Taylor. After leaving school, Devin starts texting unflattering photos of Taylor to Ryan and making social media posts “bashing” Taylor. These texts and photos, as well as social media posts, are NOT done while at school, only while at home or at other friends’ houses. Devin is from a wealthy family and their parents hold high positions in the community, while Taylor is from a moderate income, single-parent family. Other students are beginning to shun Taylor at school, resulting in Taylor socially withdrawing at school and no longer wanting to attend that school. When Taylor and Devin are in class together, they have had to be separated, as they obviously do not get along together in school.

IS THIS BULLYING?

YES | According to the bullying checklist, it meets the necessary criterion to be considered bullying (cyberbullying is bullying).

Application of the TxSSC's bullying checklist for schools:

- Multiple incidents of texting and social media posts make this a pattern of acts.
- The acts are between Taylor and Devin, making it from one student directed at another. The actions turn into more than one individuals directed at another when Taylor is shunned by other students at school. Since Devin comes from a wealthy family who hold high positions in the community, and Taylor does not, there is a difference in socioeconomic status. This exploits an imbalance of power. There also could be other imbalances of power that are not immediately apparent.
- Social media and texting are considered electronic means.
- These acts are creating an intimidating and abusive environment. Since other students are starting to shun Taylor at schools, it is disrupting the educational process and school operations.
- Social media and texting were used as electronic communication devices.
- These incidents are happening off of school property and outside of a school-sponsored event or school-related activity.
- Since Taylor no longer wants to attend school, and both Taylor and Devin have to be separated at school, it is both interfering with Taylor's educational opportunities and disrupting orderly operations.

APPLYING THE TXSSC'S BULLYING CHECKLIST FOR SCHOOLS

SCENARIO #3

Jordan and Dakota are longtime friends and their families are friends as well. They are the same age and live a few blocks from each in the same neighborhood. They are both on the baseball team and both are well connected socially at school. Lately, they have been more competitive in their sports activities and have grown further apart. At times, they have been observed at school trading verbal taunts about each other and making fun of each other's family members. No physical altercations have occurred, but they are both aligning with other friends to go "against" each other.

IS THIS BULLYING?

NO | According to the bullying checklist, it does not meet all the necessary criterion to be considered bullying. Specifically, it lacks exploiting an imbalance of power.

Application of the TxSSC's bullying checklist for schools:

- The trading of verbal taunts is a pattern of acts.
- Since both are exchanging verbal taunts, both are directing behavior toward each other.
- Jordan and Dakota are the same age, from the same neighborhood, and are both members of the baseball team. From this description, there does not appear to be an exploitation of an imbalance of power (even though there may be other imbalances of power unknown). Based on this information, the actions do not meet the legal definition of bullying.

Although these actions do not amount to bullying based on the legal definition in the education code, this **DOES NOT** mean that some intervention would not help to reduce conflict. It is also possible that other school policies in the code of conduct might be more applicable.

APPLYING THE TXSSC'S BULLYING CHECKLIST FOR SCHOOLS

SCENARIO #4

Logan and Cameron attend the same school and live in the same neighborhood. They ride the bus to school together every morning and afternoon. Logan is well-known around the school and has lots of friends, while Cameron is shy and does not have many. Recently, Logan has started to “pick on” Cameron on the bus. He throws paper planes at him and rounds up other students on the bus to make fun of him. This has occurred for the last several weeks. Logan does not talk to Cameron while at school. Cameron has started to miss several days of school, because he is afraid that Logan’s taunts will start happening while at school.

IS THIS BULLYING?

YES | According to the bullying checklist, it meets the necessary criterion to be considered bullying.

Application of the TxSSC’s bullying checklist for schools:

- The behavior on the bus by Logan has occurred for several weeks, making it a pattern of acts.
- The behavior on the bus from Logan and the other students is directed at Cameron, making it from one or more students directed at another student. The fact that Cameron is shy and does not have many friends, and Logan is well-known and has many friends creates an imbalance of power.
- The actions occurring on the bus, including throwing paper airplanes and making fun of Cameron represents both physical contact and verbal expression.
- These actions are physically harming Cameron and have created fear of harm at school. The actions are also persistent, which has created an intimidating, threatening, and abusive educational environment that disrupts the educational process (by missing several days at school).
- The actions occur on a bus used to transport students.

APPLYING THE TXSSC'S BULLYING CHECKLIST FOR SCHOOLS

SCENARIO #5

Parker and Morgan go to the same school and walk home every day. One day, after leaving the school campus, Parker decides to tease Morgan on their walk home. Parker pushes Morgan to the ground and dumps out her backpack. Parker is much bigger than Morgan, so it was easy for her to push her down. Morgan runs home crying. Morgan's mom has called up to the school to report that Morgan is the victim of bullying.

IS THIS BULLYING?

NO

While it does meet most of the criteria for being bullying, the action appeared to happen only once. Further, it did not happen on school grounds or at a school-sponsored activity. For actions to be considered bullying and under the school district's authority, cyberbullying is the only type of bullying that can happen off-campus where the school is required to intervene.

Application of the TxSSC's bullying checklist for schools:

- The action happened one time. As far as we know, this was an isolated incident and was not a pattern of acts.
- The action happened from Parker to Morgan, making it from one student directed at another. Parker is bigger than Morgan, which creates and imbalance of power.
- Parker pushed and dumped out Morgan's bag, making it a physical expression. Parker also teased Morgan, which could be considered verbal expression.
- The action of pushing Morgan down physically harmed her and could have reasonably put her in fear.
- It occurred off of school property and outside of a school sponsored event or related activity.

Although these actions do not amount to bullying based on the legal definition in the education code, this **DOES NOT** mean that some intervention would not help to reduce conflict. It is also possible that other school policies in the code of conduct might be more applicable.

APPLYING THE TXSSC'S BULLYING CHECKLIST FOR SCHOOLS

SCENARIO #6

Jayden and Avery go to high school together. Jayden is a junior and Avery is a freshman. They play basketball together every Saturday. One Saturday at the basketball court, Jayden stole Avery's basketball. When Avery confronts Jayden, Jayden denies doing it. That evening, Avery gets on Twitter and notices that Jayden posted a short video of Avery missing a basketball shot with the caption "This is what sucking at bball looks like". Avery notices that the video has been shared over 50 times by classmates and others. On Monday morning, students in school were laughing at Avery while walking through the halls. Avery has been unable to focus in class because of the laughing.

IS THIS BULLYING?

YES | According to the bullying checklist, it meets the necessary criterion to be considered bullying.

Application of the TxSSC's bullying checklist for schools:

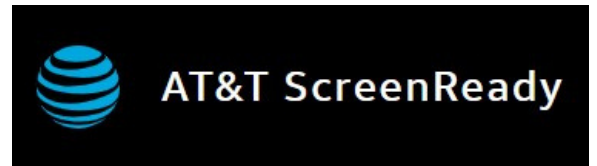
- Stealing the basketball, and then posting on social media is a pattern of acts. The fact that it was shared over 50 times could also be considered when determining this as a pattern of acts.
- Incidents are between Jayden and Avery (one student directed at another). The action also turns into multiple students directed at one student following the sharing of the video by other classmates. Differences in classification and age between Jayden and Avery leads to exploiting an imbalance of power.
- Using Twitter to post the video is considered electronic means.
- These acts are creating an intimidating, threatening, and abusive environment. It is infringing on Avery's rights as a student. Since other students are starting to laugh at Avery in the halls, it is disrupting the educational process and school operations.
- Social media was used as an electronic communication device.
- These incidents are happening off of school property and outside of a school-sponsored event or school-related activity.
- Since Avery has not been able to focus in class because of the laughing, it is both interfering with Avery's educational opportunities and disrupting orderly operations.



www.commonsensemedia.org

Educational resources to teach students about online ethics, including lesson plans, online games, and classroom posters

AT&T encourages parents to activate your superpower – the parental control settings in your smartphones, tablets, streaming TV apps and other internet-connected devices.



www.screenready.att.com



www.cartoonnetwork.com/stop-bullying/

Stop Bullying: Speak Up is Cartoon Network's multi-platform pro-social initiative that addresses bullying among kids - what to do when you see it & how to stop it before it starts.

STOPit is an Anonymous Reporting System teaching & empowering individuals to recognize and anonymously report safety, misconduct, & compliance concerns.



<https://stopitsolutions.com/>



www.bark.us/

Bark Parental Control Monitoring provides a dashboard that monitors text messages, YouTube, emails, and 30+ different social networks for potential safety concerns, so busy parents can save time and gain peace of mind.

Nexttalk, a nonprofit organization, provides resources for parents and teachers in the digital age invite open communication with children who ask complicated questions about what they might see online.



Recommended Videos

The Upstanders explores cyber-bullying, bullying among friends, families, co-workers and the brain science behind it all. The film highlights new laws and programs already reducing bullying in schools and shows us how we can learn to make a difference together to create systemic change.



<https://www.youtube.com/watch?v=U7OglI5K6oA&feature=youtu.be>

A powerful video for parents comprised of short clips created by high schools about their own experiences with cyberbullying. For parents who watch the film, Common Sense Media developed useful advice using various situations in the film to talk with kids about online safety. Sponsored by AT&T, The Tyler Clementi Foundation, and Common Sense Media.

This documentary-drama hybrid explores the dangerous human impact of social networking, with tech experts sounding the alarm on their own creations.



Available on Netflix



www.childhood2movie.com/

Childhood 2.0 is required viewing for anyone who wants to better understand the world their children are navigating as they grow up in the digital age. This documentary dives into the real-life issues facing kids today – including cyberbullying, online predators, suicidal ideation, and more.