



UNITED INDEPENDENT SCHOOL DISTRICT AGENDA ACTION ITEM

TOPIC: Adopt Resolution in Regards to Cyberbullying Legislative Action

SUBMITTED BY: Juan Cruz **OF:** School Attorney

APPROVED FOR TRANSMITTAL TO SCHOOL BOARD: _____

DATE ASSIGNED FOR BOARD CONSIDERATION: January 20, 1016

RECOMMENDATION:

It is recommended that the United ISD Board of Trustees adopt resolution in regards in Regards to Cyberbullying Legislative Action

RATIONALE:

BUDGETARY INFORMATION:

BOARD POLICY REFERENCE AND COMPLIANCE:

UNITED INDEPENDENT SCHOOL DISTRICT



Board of Trustees

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Superintendent

201 Lindenwood Drive
Laredo, Texas 78045
Phone: (956) 473-6219
Facsimile: (956) 728-8691

Regular Board Meeting
January 20, 2016

RESOLUTION IN SUPPORT OF LEGISLATION CRIMINALIZING CYBER-BULLYING AND/OR EXPANDING THE AUTHORITY AND JURISDICTION OF SCHOOL DISTRICTS TO TAKE DISCIPLINARY ACTION ON PERPETRATORS OF CYBER-BULLYING THAT RESULTS IN A DISRUPTION OF DISTRICT OPERATIONS

Whereas, the United Independent School District ("District") recognizes the academic performance, safety and wellbeing of its students can be jeopardized by cyber-bullying that occurs either on or off District premises;

Whereas, the District wishes to encourage a safe learning environment, free from disruption, for all its students;

Whereas, the Texas Penal Code does not recognize cyber-bullying as a crime, despite the epidemic of suicides resulting from cyber-bullying;

Whereas, the District supports legislation criminalizing cyber-bullying, as set forth in the attached **Exhibit A**.

Whereas, the Texas Education Code currently defines "bullying" to those instances where the conduct occurs on school property, at a school-sponsored or school-related activity, or in a vehicle operated by the district;

Whereas, in addition, or in the alternative to, the criminalization of cyber-bullying, the District supports legislation that would expand the definition of "bullying" to any conduct, **regardless where the conduct originates**, that results in a disruption of district operations or impedes the academic performance of another. The District supports the language attached as **Exhibit B**.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the United Independent School District that the District supports legislation criminalizing cyber-bullying and/or expanding the authority and jurisdiction of school districts to take disciplinary action on perpetrators of cyber-bullying that results in a disruption of district operations.

SO ORDERED this ____ day of _____, 2016.

BOARD OF TRUSTEES:

Board President

WITNESSETH:

Board Secretary

Exhibit A

(a) As used in this section:

(1) "Communication" means the electronic communication of information of a person's choosing between or among points specified by the person without change in the form or content of the information as sent and received **regardless of where the transmission originates;**

(2) "Electronic means" means any textual, visual, written, or oral communication of any kind made through the use of a computer online service, Internet service, telephone, or any other means of electronic communication, including without limitation to a local bulletin board service, an Internet chat room, electronic mail, a social networking site, or online or group messaging service; and

(3) "School employee" means a person who is employed full time or part time at a school that serves students in any of the grades kindergarten through grade twelve (K-12), including without limitation a:

(A) Public school operated by a school district;

(b) A person commits the offense of cyberbullying if:

(1) He or she transmits, sends, or posts a communication by electronic means with the purpose to frighten, coerce, intimidate, threaten, abuse, or harass another person; and

(2) The transmission was in furtherance of severe, repeated, or hostile behavior toward the other person **without regard to where the transmission originates.**

(c) The offense of cyberbullying may be prosecuted in the county where the defendant was located when he or she transmitted, sent, or posted a communication by electronic means, in the county where the communication by electronic means was received by the person, or in the county where the person targeted by the electronic communications resides.

(d) (1) Cyberbullying is a Class B misdemeanor.

Exhibit B

Sec. 37.0832. BULLYING PREVENTION POLICIES AND PROCEDURES. (a) In this section, "bullying" means, subject to Subsection (b), engaging in written or verbal expression, expression through electronic means, or physical conduct that **disrupts school operations, impedes the academic performance of another regardless where the conduct originates or** occurs on school property, at a school-sponsored or school-related activity, or in a vehicle operated by the district and that:

(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, and pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student.

(b) Conduct described by Subsection (a) is considered bullying if that conduct:

(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.