

Terrell County ISD – Sanderson School

During the 85th Texas Legislative Session, "David's Law" was voted into law. This law amends the Education Code provisions regarding bullying to better define and encompass cyberbullying.

<u>CYBERBULLYING</u> 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 DOES THE LAW APPLY?

- 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-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.

IS CYBERBULLYING PROTECTED FREE SPEECH? No

HOW CAN BULLYING AND CYBERBULLYING BE PUNISHED?

- A school can remove a student who is engaging in bullying activity from class and place them in
 a disciplinary alternative education program (DAEP) or expel them if they encourage a student
 to commit or attempt to commit suicide, incite violence against a student through group
 bullying, or release or threaten to release intimate visual material of a minor or student who is
 18 years or older without the student's consent.
- Under David's Law, if a person commits an offense under the cyberbullying provision of the Harassment Statute (Section 42.07 of the Texas Penal Code), it is a **Class A misdemeanor** (rather than merely a Class B) if
 - The offense was committed against a child under 18 years of age with the intent that the child commit suicide or engage in conduct causing serious bodily injury to the child;
 - The person has previously violated a temporary restraining order to injunction issued under the new civil provisions in David's Law.
- For other forms of bullying, cyberbullying, and harassment, the TCISD **Student Code of Conduct** will apply.

**NOTE: When applicable, the bullying, cyberbullying, and harassment will be reported by the school to the proper authorities for possible criminal prosecution.

Website: davidslegacy.org



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WHAT ARE THE CIVIL REMEDIES FOR CYBERBULLYING?

- Temporary restraining orders against the cyberbully
- An injunction against the cyber bully to stop the cyberbullying
- An injunction against the parents of the cyberbully, requiring the parents to take action to stop their child from cyberbullying

EXPECTATIONS AND PROCEDURES FOR TERRELL COUNTY INDEPENDENT SCHOOL DISTRICT

- 1. All students who will possess telecommunication devices, including cell phones on campus must take the Cyberbullying Pledge and place the pledge sticker on their device.
- 2. A student who does not take the pledge will be not allowed to possess a telecommunication device, including a cell phone on campus.
- 3. A student's right to possess a telecommunication device, including a cell phone will be revoked if he/she engages in cyberbullying, bullying or harassment. Failure to comply with this consequence will result in a fine according to the parent-student handbook and the phone will be confiscated for a minimum of 7 days.
- 4. A student who engages in cyberbullying, bullying or harassment will be disciplined according to the student code of conduct. The consequences may include, but are not limited to expulsion, DAEP, ISS, loss of extra-curricular privileges, or detention.
- 5. Students who are bystanders and do not report bullying, cyberbullying and/or harassment will be held to the same consequence as the cyberbully/bully.
- 6. The anonymous bullying/cyberbullying form is located on the Terrell County ISD website under the student tab: https://www.terrell.esc18.net/domain/58
- 7. Bullying forms can also be located in the school office or a student or parent may request a form from a faculty member.

My signature indicates that I have read the information provided by Terrell County ISD as it relates to cyberbullying and David's Law. My signature also indicates that I understand that I have the right to report bullying, cyberbullying and/or harassment via an anonymous online form or through a faculty member. My signature also indicates that I understand the district's expectations and procedures as they relate to telecommunication devices, including cell phones and cyberbullying, bullying and/or harassment.

Parent Signature	Date	
Student Signature	Date	
Student Signature	Date	

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