



## Terrell County ISD – Sanderson School

During the 85<sup>th</sup> 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.

**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 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; or
  - 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.**

