



The **DiaLog**

Vol.40, No.2 Fall 2011

Journal of the Texas Educational Diagnosticians' Association

**Cattell-Horn-Carroll
Theory to Academic
Learning**

**Linguistically
Diverse or Learning
Disability?: Informal
Assessment Tools**

**A Forgotten Component:
Adapted Physical
Education**

**Understanding
New Anti-Bullying
Legislation**

**SYNDROME HANDOUT
Rubinstein-Taybi
Syndrome**

PRSR1 STD
U.S. Postage
PAID
Permit No. 1467
Fort Worth, Texas

Understanding HB 1942: Implications for Students with Disabilities

By Chad A. Rose, Ph.D., and Cynthia G. Simpson, Ph.D.

Sam Houston State University

Following the 1999 tragedy at Columbine High School in Colorado, the United States Secret Service and the U.S. Department of Education launched a campaign called *The Safe School Initiative*, with the goal of establishing a concrete perpetrator profile of U.S. school shooters from 1974 to 2000 (Vossekuil, Fein, Reddy, Borum, & Modzeleski, 2002). While this profile was not established, it was determined that approximately 71% of the perpetrators had experienced school-level victimization prior to the incident (Vossekuil et al., 2002). These findings coupled with international investigations and high-profile media attention has prompted a sharp increase in national bullying research (Swearer, Espelage, & Napolitano, 2010). During this same timeframe, 47 states have adopted legislation that prohibits bullying and harassment (Bully Police USA, 2011; Swearer et al., 2010).

Unfortunately, in 2010, the state of Texas mourned for three teenagers of separate incidents of bullycide. These tragic losses prompted Texas legislators to reevaluate the current anti-bullying laws. On June 17, 2011, Governor Rick Perry signed HB 1942 into law, which now serves as the primary anti-bullying legislation in Texas (Bullying in Public Schools Act [BPSA], 2011). While HB 1942 applies to the 2012-2013 academic year (BPSA, 2011), it is necessary to understand the foundation and implications of the legislation.

At the foundational level, Chapter 37 of the Texas Education Code (i.e., Discipline Subsection) has been amended to include the definition of bullying. This definition refers to physical and verbal bullying through electronic or direct contact on school property, at school events, or on a school-operated vehicle. Out-

comes that may be considered bullying include direct or reasonable fear of direct physical harm or damage of property where the severity and pervasiveness leads to an educational environment that is intimidating, threatening, or abusive. Additionally, these behaviors have exploited the imbalance of power and interfere with educational opportunities and/or the daily functioning of the school (BPSA, 2011).

HB 1942 also establishes a framework for district anti-bullying policies. Overall, revised Texas anti-bullying policies should include several components. Specifically, district policies must prohibit bullying and informant retaliation, and include procedures for reporting policies and incidents to parents, actions to be taken by students who are seeking assistance, viable counseling options for involved participants (i.e., bully, victim, bystander), procedures for reporting and investigating incidents, and prohibit disciplinary actions against students who use reasonable self-defense to avoid victimization (BPSA, 2011).

In addition to the above criteria, district policies must address the bullying involvement of students with disabilities. Therefore, policies must be in compliance with federal disciplinary measures, including those outlined in the Individuals with Disabilities Education Act (IDEA, 2004). This provision is instrumental for special education professionals, including educational diagnosticians, because it sets the precedence for including information regarding bullying involvement (e.g., data, disciplinary referrals, pervasive patterns of behavior) in the IEP. Therefore, the IEP can be used as an individualized tool for documenting pervasive involvement, detailing previous intervention efforts, establishing

the functionality of behaviors (i.e., functional behavior assessment), and outlining evidence-based practices for reducing bullying. If implemented appropriately, HB 1942 has not only recognized the overrepresentation of students with disabilities within the bullying dynamic (BPSA, 2011; Rose, 2010), it has established a legal basis for including provisions within a student's individualized education plan. The Texas Educational Diagnosticians Association (TEDA) has formally indicated its support of HB 1942 and will continue to monitor the implementation of it.

REFERENCES

- Bullying in Public Schools Act, HB 1942, 82nd Texas Legislature (2011).
- Bully Police USA (2011). Retrieved from <http://www.bullypolice.org/>.
- Individuals with Disabilities Education Improvement Act, H.R. 1350, 108th Congress (2004).
- Rose, C. A. (2010). Bullying among students with disabilities: Impact and implications. In D. L. Espelage & S. M. Swearer (Eds.), *Bullying in North American Schools: A socio-ecological perspective on prevention and intervention* (2nd ed., pp 34-44). Mahwah, NJ: Lawrence Erlbaum.
- Swearer, S. M., Espelage, D. L., & Napolitano, S. A. (2009). *Bullying prevention and intervention: Realistic strategies for schools*. New York, NY: The Guilford Press, Inc.
- Vossekuil, B., Fein, R. A., Reddy, M., Borum, R., & Modzeleski, W. (2002). *The final report and findings of the safe school initiative: Implications for the prevention of school attacks in the United States*. Washington, D.C.: United States Secret Service and United States Department of Education.