



87th Legislative Session

Texas PTA Legislative Priority

CYBERBULLYING

Monitor implementation of David's Law and any other legislation related to cyberbullying. Support policies to strengthen anti-cyberbullying laws.

BACKGROUND

In past sessions, Texas PTA advocated for strengthening Texas' existing bullying law to incorporate cyberbullying. This legislation is known as "David's Law."

David's Law

- During the 85th Texas Legislature, Texas PTA advocated in support of Senate Bill 179, formally known as David's Law, which was passed and signed into Texas state law. Named after 16-year-old David Molak, a high school student in San Antonio who died by suicide after being harassed online, the bill aims to bring awareness and new policies to schools to combat cyberbullying.
- Senate Bill 179 classifies cyberbullying as a misdemeanor offense. By doing so, the courts may issue subpoenas and uncover people who are posting anonymously online. The law also requires intervention from public schools when any cyberbullying behavior is suspected. Parents of students who cyberbully others may also be held responsible if they could have intervened but failed to do so.

How does the law affect a school's response to bullying?

As a result of David's Law, schools:

- Have the authority to address cyberbullying that occurs off-campus.
- Must notify the bullying victim's parents of the bullying incident within three business days after the incident is reported and notify parents of the aggressor within a reasonable amount of time.
- Must create procedures for students for anonymous reporting of incidents.
- May expel students who engage in very serious bullying, including bullying that encourages student to commit suicide, incites violence against another student, or involves releasing indecent photos of another student.
- Have strong protections from civil or criminal liabilities when reporting criminal bullying to law enforcement officials.
- Must provide mental health education.
- Must expand role of school counselors to include mediating conflicts among students.

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As a result of this legislation, Texas Civil Code was amended to make it easier to obtain an injunction from a court to prevent continual cyberbullying.

- Victims are able to have the court issue an injunction against students who cyberbully and their parents, requiring parents to take action to stop their child from cyberbullying.
- The office of the Texas Supreme Court is designing easy-to-use forms available to the general public so parents can obtain an injunction against ongoing cyberbullying without the need for hiring a lawyer.

As a result of this legislation, Texas Criminal Code was amended to modernize definitions in the harassment provisions of Texas criminal laws to better include the ways cyberbullies attack victims through smart phones and social media.

- Cyber-harassment against a child that includes suicide baiting or the violation of an injunction against cyberbullying is now a more serious criminal offense than before, up to a Class A misdemeanor.

Cyberbullying in Texas

- In Texas, the rate of middle/high school students who had been cyberbullied in their lifetime jumped from 28.4% in 2016 to a staggering 35.6% in 2019.
- The rate of cyberbullying has nearly doubled since first being tracked in 2007 (18.8% to 36.5%).

How has Covid-19 affected cyberbullying?

- There has been a 70% increase in cyberbullying between January - April 2020.
- “When smartphones and social media became ubiquitous for students, cyberbullying rates went up. This makes sense, of course, because there was now an almost limitless number of potential targets and aggressors.” Dr. Sameer Hinduja
- In addition, with so many students now receiving instruction online, children cannot readily stop by the guidance counselor’s office, chat with a teacher after class, or let their coach know about bullying. These opportunities for organic conversations and check-ins are more difficult to come by during remote learning.
- “It’s also very possible that xenophobic/racist cyberbullying may go up. Some continue to call COVID-19 a ‘foreign virus,’ and parents have complained that their children are being accused as carriers just because they are Asian.” Dr. Sameer Hinduja

Resources:

[Unintended Consequence of COVID-19: Cyberbullying Could Increase Rising Levels of Hate Speech & Online Toxicity During This Time of Crisis](#)
[Texas – Bullying, Cyberbullying, and Sexting Rates from 2016-2019](#)
[Summary of Our Cyberbullying Research \(2007-2019\)](#) [Cyberbullying Research Center]