

## **Bullying and Open Enrollment**

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Forty-eight states have adopted legislation or administrative code to address bullying in K-12 schools. Some of these policies require districts to adopt strategies to protect students who have been bullied from further victimization, or to restore a sense of safety for victims of bullying. Going one step further still, a few states have adopted specialized interdistrict transfer policies to allow victims of bullying to enroll in another school district, to help victims of bullies feel safe at school, and en route to and from school. One state, Texas, has also adopted provisions related to the transfer of bullies themselves, while Georgia has adopted a “three strikes you’re out” approach to dealing with bullies.

This new twist to laws aimed at reducing bullying is potentially significant, particularly in a district with a single school serving students in the victim’s grade level. These policies are also significant given that just 17 states authorize students to cross district lines to attend school.<sup>1</sup> However, it should be noted that approaches allowing bullying victims to transfer districts may be of limited value in rural districts, where the next closest school serving the student’s grade level may be many miles away.

Note: Some states have adopted policies to allow student victims of violent crimes to attend school outside their district of residence. This report does not include such legislation; however, those interested in more information about such policies may contact the author for further details.

### **Victim must be allowed to transfer**

**Texas** provides that upon the request of a victim’s parent — after the local board or the board’s designee verifies that a student has been a victim of bullying — the student must be transferred to (1) another classroom at the campus to which the victim was assigned at the time the bullying occurred or (2) a campus in the school district other than the campus to which the victim was assigned at the time the bullying occurred. The school district is not required to provide transportation to such a transfer student.<sup>2</sup>

### **Victim may be allowed to transfer**

**California** permits two or more district boards to enter into an interdistrict transfer agreement. As of July 1, 2012, a student who has been a victim of bullying (as determined by the district of residence or the district of proposed enrollment) and who attends a district that has established a transfer agreement must be given priority for interdistrict attendance if requested by the person with legal custody of the student. If the student’s district has not established an interdistrict transfer agreement, the student must be given additional consideration for the creation of an interdistrict attendance agreement.<sup>3</sup>

## Transfer of bullies

**Texas** authorizes a district board of trustees to transfer a student who engages in bullying to either (1) another classroom at the campus to which the victim was assigned at the time the bullying occurred or (2) a campus in the district other than the campus to which the victim was assigned at the time the bullying occurred, in consultation with a parent or other person with authority to act on behalf of the student who engaged in bullying.<sup>4</sup>

While **Georgia** does not specify that a student who has engaged in bullying may or must be transferred out of district, legislation requires that a student in grades 6-12 who has committed the offense of bullying for the third time in a school year must be assigned to an alternative school. A district board is not required to provide transportation to a student transferred to another school as a result of a bullying incident.<sup>5</sup>

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## Endnotes

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<sup>1</sup> Education Commission of the States, *Open Enrollment Database*, [http://www.ecs.org/html/educationissues/OpenEnrollment/OEDB\\_intro.asp](http://www.ecs.org/html/educationissues/OpenEnrollment/OEDB_intro.asp), (accessed November 1, 2011).

<sup>2</sup> TEX. EDUC. CODE ANN. § 25.0342

<sup>3</sup> CAL. EDUC. CODE § 46600(b)

<sup>4</sup> TEX. EDUC. CODE ANN. § 25.0342(b-1)

<sup>5</sup> GA. CODE ANN. § 20-2-751.4(b)(2) and (f)