

Regular Session, 2009

HOUSE BILL NO. 570

BY REPRESENTATIVES HOFFMANN, HENRY BURNS, CHAMPAGNE, CORTEZ, DOVE, FOIL, LITTLE, PERRY, PUGH, ROBIDEAUX, SIMON, SMILEY, JANE SMITH, AND THIBAUT AND SENATORS APPEL, CROWE, DUPLESSIS, KOSTELKA, MICHOT, SMITH, AND WALSWORTH

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

SCHOOLS/EMPLOYEES: Provides relative to policies, procedures, and practices at public elementary and secondary schools concerning electronic communications by an employee at a school to a student at that school

1 AN ACT

2 To enact R.S. 17:81(Q) and 3996(B)(21), to require the governing authority of a public
3 elementary or secondary school to formulate, develop, adopt, and implement
4 policies, procedures, and practices applicable to school employees relative to
5 electronic communications by an employee at a school to a student at that school; to
6 provide policy guidelines and requirements; to provide limitations; to provide that
7 the occurrence of certain electronic communications be reported by the school
8 employee; to provide an effective date; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 17:81(Q) and 3996(B)(21) are hereby enacted to read as follows:

11 §81. General powers of city and parish school boards

12 * * *

13 Q.(1) Each city, parish, or other local public school board shall formulate,
14 develop, adopt, and implement, by not later than November 15, 2009, policies,
15 procedures, and practices applicable to school system employees relative to an
16 electronic communication by an employee at a school to a student at that school.

17 (2) The policies, procedures, and practices required by Paragraph (1) of this
18 Subsection, at a minimum, shall:

1 (a) Define electronic communication. The definition shall recognize the
2 multiple means available for making such a communication, both those that facilitate
3 direct communication, including but not limited to voice or text-based
4 telecommunication devices, or both, and computers, and those that facilitate indirect
5 communication using an intermediate method, including but not limited to
6 Internet-based social networks.

7 (b) Require that all electronic communication by an employee at a school to
8 a student at that school relative to the educational services provided to the student
9 shall use a means provided by or otherwise made available by the school system for
10 this purpose and prohibit the use of all such system means to electronically
11 communicate with a student for a purpose not related to such educational services.

12 (c) Specify that the occurrence of any electronic communication made by an
13 employee at a school to a student at that school or that is received by an employee
14 at a school from a student at that school using a means other than one provided by
15 or made available by the school system shall be reported by the employee in a
16 manner deemed appropriate by the school board.

17 (d) Specify that it is a duty of a school system employee to comply with the
18 policies, procedures, and practices and provide that a failure to comply shall
19 constitute willful neglect of duty.

20 (e) Establish and provide for the imposition of consequences for a violation
21 of the policies, procedures, and practices, including but not limited to termination of
22 employment in accordance with applicable provisions of state law.

23 (f) Provide a means to assure that all school system employees are informed
24 fully of the policies, procedures, and practices and the possible consequences at the
25 school and school system level for a failure to comply.

26 (g) Provide a means to assure that a parent or other person responsible for
27 a child's school attendance is fully informed of the policies, procedures, and
28 practices.

1 (h) Provide a means for the timely reporting and investigation at the school
2 system level of an alleged failure by a school employee to comply with the policies,
3 procedures, or practices and for concluding such an investigation and resolving the
4 allegation.

5 (i) Provide a means whereby any alleged failure to comply by a school
6 employee with the policies, procedures, or practices that also may be a violation of
7 state or federal law, or both, is reported to the proper authorities.

8 (3) Any city, parish, or other local public school board having existing
9 policies, procedures, and practices relative to electronic communication by an
10 employee at a school to a student at that school shall conduct by not later than
11 November 15, 2009, a formal evaluation of all such policies, procedures, and
12 practices to determine their compliance with the provisions of Paragraph (2) of this
13 Subsection and shall take all action necessary to conform the existing policies,
14 procedures, and practices to such requirements.

15 (4) For the purposes of this Subsection, the term "city, parish, or other local
16 public school board" shall mean the governing authority of any public elementary
17 or secondary school.

18 * * *

19 §3996. Charter schools; exemptions

20 * * *

21 B. Notwithstanding any state law, rule, or regulation to the contrary and
22 except as may be otherwise specifically provided for in an approved charter, a
23 charter school established and operated in accordance with the provisions of this
24 Chapter and its approved charter and the school's officers and employees shall be
25 exempt from all statutory mandates or other statutory requirements that are
26 applicable to public schools and to public school officers and employees except for
27 the following laws otherwise applicable to public schools with the same grades:

28 * * *

1 (21) Electronic communication by an employee at a school to a student at
 2 that school, R.S. 17:81(Q).

3 * * *

4 Section 2. This Act shall become effective on July 1, 2009; if vetoed by the governor
 5 and subsequently approved by the legislature, this Act shall become effective on July 1,
 6 2009, or on the day following such approval by the legislature, whichever is later.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Hoffmann

HB No. 570

Abstract: Requires the governing authority of a public elementary or secondary school, including a charter school, to formulate, develop, adopt, and implement by not later than Nov. 15, 2009, policies, procedures, and practices applicable to school employees relative to electronic communication by an employee at a school to a student at that school. Specifies, of a minimum, that such policies, procedures, and practices include certain provisions.

Proposed law requires each local school board to formulate, develop, adopt, and implement by not later than Nov. 15, 2009, policies, procedures, and practices applicable to school system employees relative to an electronic communication by an employee at a school to a student at that school.

Specifies that the policies, procedures, and practices, at a minimum, shall:

- (1) Define electronic communication. Provides that the definition shall recognize the multiple means available for making such a communication, both those that facilitate direct communication, including but not limited to voice or text-based telecommunication devices, or both, and computers, and those that facilitate indirect communication using an intermediate method, including but not limited to Internet-based social networks.
- (2) Require that all electronic communication by an employee at a school to a student at that school relative to the educational services provided the student shall use a means provided by or otherwise made available by the school system for this purpose and prohibit the use of all such system means to electronically communicate with a student for a purpose not related to such educational services.
- (3) Specify that the occurrence of any electronic communication made by an employee at a school to a student at that school or that is received by an employee at a school from a student at that school using a means other than one provided by or made available by the school system shall be reported by the employee in a manner deemed appropriate by the school board.
- (4) Specify that it is a duty of a school system employee to comply with the policies, procedures, and practices and provide that a failure to comply shall constitute willful neglect of duty.

- (5) Establish and provide for the imposition of consequences for a violation of the policies, procedures, and practices, including but not limited to termination of employment in accordance with applicable provisions of state law.
- (6) Provide a means to assure that all school system employees are informed fully of the policies, procedures, and practices and the possible consequences at the school and school system level for a failure to comply.
- (7) Provide a means to assure that a parent or other person responsible for a child's school attendance is fully informed of the policies, procedures, and practices.
- (8) Provide a means for the timely reporting and investigation at the school system level of an alleged failure by a school employee to comply with the policies, procedures, or practices and for concluding such an investigation and resolving the allegation.
- (9) Provide a means whereby any alleged failure to comply by a school employee with the policies, procedures, or practices that also may be a violation of state or federal law, or both, is reported to the proper authorities.

Proposed law provides that any local school board having existing policies, procedures, and practices relative to electronic communication by an employee at a school to a student at that school shall conduct (by not later than Nov. 15, 2009) a formal evaluation of all such policies, procedures, and practices to determine their compliance with the provisions of proposed law and shall take all action necessary to conform the existing policies, procedures, and practices to such requirements.

Specifies that for proposed law purposes, the term "city, parish, or other local public school board" shall mean the governing authority of any public elementary or secondary school, including a charter school.

Effective July 1, 2009.

(Adds R.S. 17:81(Q) and 3996(B)(21))