
DIGEST

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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))