

HOUSE SUMMARY OF SENATE AMENDMENTS

House Bill No. 570 by Representative Hoffmann

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 enrolled at that school

Synopsis of Senate Amendments

1. Changes proposed law to refer to electronic communications by an employee at a school to a student enrolled at that school rather than to a student at that school.
2. Relative to the requirement that certain occurrences of electronic communication using a means other than the one provided by or made available by the school system must be reported by the employee, adds provision that records of any such reported communication shall be maintained by the school bd. for a period of at least one year.
3. Changes proposed law to specify that the mandated policies, procedures, and practices shall provide that a failure to comply may result in disciplinary action and in extreme circumstances may constitute willful neglect of duty rather than providing that a failure to comply may constitute willful neglect of duty.

Digest of Bill as Finally Passed by Senate

Proposed law requires each local public 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 enrolled at that school.

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

- (1) Define electronic communication and shall recognize the multiple means available for making such a communication, including specified forms of both direct communication and indirect communication.
- (2) Require that all electronic communication by an employee at a school to a student enrolled at that school relative to the educational services provided shall use a means provided by or otherwise made available by the school system and prohibit the use of all such system means to electronically communicate with a student for a purpose not related to such educational services except communication with an immediate family member if such communication is specifically authorized by school board policy.
- (3) Specify that the occurrence of any electronic communication made by an employee at a school to a student enrolled at that school or that is received by an employee at a school from a student enrolled at that school using a means other than one provided by or made available by the school system shall be reported by the employee. Provides that records of any such reported communication shall be maintained by the school board for at least one year.
- (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 may result in disciplinary action and in extreme circumstances may 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.
- (6) Provide a means for the timely reporting and investigation of an alleged failure to comply with the policies, procedures, or practices and for concluding such an investigation and resolving the allegation.
- (7) Provide a means whereby any alleged failure to comply with the policies, procedures, or practices that also may be a violation of state or federal law is reported to the proper authorities.
- (8) 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.
- (9) 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.
- (10) Provide a means for a parent or other person responsible for a child's school attendance to request that the child not be contacted through electronic communication by any school employee unless the purpose of such communication is directly related to the child's educational services and is sent to and received by more than one student at the school.

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 enrolled 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.

Provides that no school board or member of such a board shall be civilly liable for any electronic communication that is prohibited by proposed law.

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))