

# ACT No. 214

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.

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AN ACT

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

Be it enacted by the Legislature of Louisiana:

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

§81. General powers of city and parish school boards

\* \* \*

Q.(1) Each city, parish, or other local public school board shall formulate, develop, adopt, and implement, by not later than November 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.

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

(a) Define electronic communication. The definition shall recognize the multiple means available for making such a communication, both those that facilitate

1 direct communication, including but not limited to voice or text-based  
2 telecommunication devices, or both, and computers, and those that facilitate indirect  
3 communication using an intermediate method, including but not limited to  
4 Internet-based social networks.

5 (b) Require that all electronic communication by an employee at a school to  
6 a student enrolled at that school relative to the educational services provided to the  
7 student shall use a means provided by or otherwise made available by the school  
8 system for this purpose and prohibit the use of all such system means to  
9 electronically communicate with a student for a purpose not related to such  
10 educational services except communication with an immediate family member if  
11 such communication is specifically authorized by school board policy.

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

19 (d) Specify that it is a duty of a school system employee to comply with the  
20 policies, procedures, and practices and provide that a failure to comply may result  
21 in disciplinary action, and in extreme circumstances may constitute willful neglect  
22 of duty.

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

26 (f) Provide a means for the timely reporting and investigation at the school  
27 system level of an alleged failure by a school employee to comply with the policies,  
28 procedures, or practices and for concluding such an investigation and resolving the  
29 allegation.

1 (g) Provide a means whereby any alleged failure by a school employee to  
2 comply with the policies, procedures, or practices that also may be a violation of  
3 state or federal law is reported to the proper authorities.

4 (h) Provide a means to assure that all school system employees are informed  
5 fully of the policies, procedures, and practices and the possible consequences at the  
6 school and school system level for a failure to comply.

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

9 (j) Provide a means for a parent or other person responsible for a child's  
10 school attendance to request that the child not be contacted through electronic  
11 communication by any school employee unless the purpose of such communication  
12 is directly related to the child's educational services and is sent to and received by  
13 more than one student at the school.

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

21 (4) No city, parish, or other local public school board or member of such a  
22 board shall be civilly liable for any electronic communication by an employee to a  
23 student that is prohibited as provided in this Subsection.

24 (5) For the purposes of this Subsection, the term "city, parish, or other local  
25 public school board" shall mean the governing authority of any public elementary  
26 or secondary school.

27 \* \* \*

28 §3996. Charter schools; exemptions

29 \* \* \*

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

8   \*       \*       \*

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

11   \*       \*       \*

12           Section 2. This Act shall become effective on July 1, 2009; if vetoed by the governor  
 13           and subsequently approved by the legislature, this Act shall become effective on July 1,  
 14           2009, or on the day following such approval by the legislature, whichever is later.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_