

New law requires each local public school board to adopt and implement 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 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 to a student relative to the educational services provided shall use a means provided by the school system and prohibit the use of all such 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 to a student or that is received by an employee from a student using a means other than one provided 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.

New law provides that any local school board having existing policies, procedures, and practices relative to electronic communication by an employee to a student shall conduct a formal evaluation of all such policies, procedures, and practices to determine their compliance with the provisions of new law and shall take all action necessary to conform the existing policies, procedures, and practices to such requirements.

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

Effective July 1, 2009.

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