

Regular Session, 2012

SENATE BILL NO. 619

BY SENATORS DORSEY-COLOMB AND WARD

SCHOOLS. Provides relative to policies prohibiting harassment, intimidation, and bullying in public schools. (8/1/12)

AN ACT

To amend and reenact R.S. 17:416.13(A), (B)(1) and (2), (C), and (D)(1) and (2), to enact R.S. 17:81(W) and 3996(B)(30), and to repeal R.S. 17:416.13(B)(4), relative to harassment, intimidation, and bullying in public schools; to provide relative to codes of conduct for school employees and for students; to require such codes of conduct to have policies which prohibit the harassment, intimidation, and bullying of students and of school employees; to provide relative to definitions; to remove provisions excepting certain parishes from certain requirements relative to student codes of conduct; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:416.13(A), (B)(1) and (2), (C), and (D)(1) and (2) are hereby amended and reenacted and R.S. 17:81(W) and 3996(B)(30) are hereby enacted to read as follows:

§81. General powers of city, parish, and other local public school boards

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W.(1) Each city, parish, and other local public school board shall adopt a code of conduct for its school employees that is in compliance with all existing

rules, regulations, and policies of the board and of the State Board of Elementary and Secondary Education and that includes any necessary disciplinary action to be taken against any employee who violates the code of conduct.

(2) Each board shall adopt and incorporate into its code of conduct a policy prohibiting the harassment, intimidation, and bullying, including cyberbullying, of a student or a school employee by a school employee. For the purposes of this Subsection, the terms "harassment", "intimidation", "bullying", and "cyberbullying" shall be defined as in R.S. 17:416.13.

(3) Each board shall provide training for school employees with respect to harassment, intimidation, and bullying, including cyberbullying.

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§416.13. Student code of conduct; requirement; harassment, intimidation, and bullying; prohibition; ~~exemptions~~

~~A. By not later than August 1, 1999, each~~ Each ~~city, parish, and other~~ local public school board shall adopt a student code of conduct for the students in its school system. Such code of conduct shall be in compliance with all existing rules, regulations, and policies of the board and of the State Board of Elementary and Secondary Education and all state laws relative to student discipline and shall include any necessary disciplinary action to be taken against any student who violates the code of conduct.

~~B.(1) By not later than August 1, 2001, each~~ Each ~~city, parish, and other~~ local public school board shall adopt and incorporate into the student code of conduct, as provided in this Section, a policy prohibiting the harassment, intimidation, and bullying of a student or school employee by ~~another~~ a student.

(2) For purposes of this Subsection, the terms "harassment", "intimidation", and "bullying" shall mean any ~~intentional~~ fear-inducing, threatening, or abusive gesture or written, verbal, or physical act, including audio-visual forms of expression, that:

(a) A reasonable person under the circumstances **knows or** should know will have the effect of harming a student **or school employee** or damaging his **personal or intellectual** property or placing a student **or school employee** in reasonable fear of harm to his life or person or damage to his **personal or intellectual** property; and

~~(b) Is so severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational~~ **or work** environment for a student **or school employee**.

(b) A reasonable person under the circumstances would perceive as being motivated by any actual or perceived characteristic, including but not limited to race, color, ancestry, national origin, religion, exceptionality, physical disability, intellectual disability, developmental disability, mental illness or emotional health disorder, language ability, sexual orientation, physical characteristic, gender identity, gender expression, political ideas or affiliations, socioeconomic status, or association with others identified by such characteristics.

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C.(1) ~~By not later than January 1, 2011, the~~ **The** governing authority of each public elementary and secondary school shall ~~conduct a review of the student code of conduct required by this Section and amend such code as may be necessary to assure~~ **ensure** that the policy prohibiting the harassment, intimidation, and bullying of a student **or school employee** by ~~another~~ **a** student specifically addresses the nature, extent, causes, and consequences of cyberbullying.

(2) For the purposes of this Subsection, the term "cyberbullying" shall mean harassment, intimidation, or bullying of a student **or school employee** on school property by ~~another~~ **a** student using a computer, mobile phone, or other interactive or digital technology or harassment, intimidation, or bullying of a student **or school employee** while off school property by ~~another~~ **a** student using any such means when the action or actions are intended to have an effect on the student **or school employee** when ~~the student is~~ on school property.

D.(1) ~~Beginning on January 1, 2011, and continuing thereafter, the The~~
governing authority of each public elementary and secondary school shall inform
each student, in writing within ten days after enrolling in school of the prohibition
against harassment, intimidation, and bullying, including cyberbullying, of a student
~~or school employee~~ by ~~another~~ **a** student; the nature and consequences of such
actions; and the proper process and procedure for reporting any incidents involving
such prohibited actions.

(2) ~~By not later than January 1, 2011, the~~ **The** governing authority of each public elementary and secondary school shall develop and adopt a policy establishing procedures for the investigation of reports of harassment, intimidation, and bullying, including cyberbullying, of a student **or school employee** by ~~another~~ **a** student.

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§3996. Charter schools; exemptions; requirements

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

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(30) Policies on harassment, intimidation, and bullying, R.S. 17:81(W)
and 416.13.

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Section 2. R.S. 17:416.13(B)(4) is hereby repealed.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Jeanne C. Johnston.

DIGEST

Code of conduct for students:

Present law requires each public school board to adopt and incorporate into its student code of conduct a policy prohibiting the harassment, intimidation, and bullying of a student by another student.

Proposed law requires such policy to also prohibit student harassment, intimidation, and bullying of school employees.

Present law defines the terms "harassment", "intimidation", and "bullying" as any intentional gesture or written, verbal, or physical act that:

- (1) A reasonable person under the circumstances should know will have the effect of harming a student or damaging his property or placing a student in reasonable fear of harm to his life or person or damage to his property; and
- (2) Is so severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for a student.

Proposed law redefines harassment, intimidation, and bullying to mean any fear-inducing, threatening, or abusive gesture or written, verbal, or physical act, including audio-visual forms of expression, that:

- (1) A reasonable person under the circumstances knows or should know will have the effect of harming a student or school employee or damaging his personal or intellectual property or placing a student or school employee in reasonable fear of harm to his life or person or damage to his personal or intellectual property and that creates a fear-inducing, threatening, or abusive education or work environment for a student or school employee.
- (2) A reasonable person under the circumstances would perceive as being motivated by any actual or perceived characteristic, including but not limited to race, color, ancestry, national origin, religion, exceptionality, physical disability, intellectual disability, developmental disability, mental illness or emotional health disorder, language ability, sexual orientation, physical characteristic, gender identity, gender expression, political ideas or affiliations, socioeconomic status, or association with others identified by such characteristics.

Present law requires student codes of conduct to prohibit cyberbullying, which is defined as the harassment, intimidation, or bullying of a student on school property using a computer, mobile phone, or other interactive or digital technology or harassment, intimidation, or bullying of a student while off school property using any such means when the action or actions are intended to have an effect on the student when on school property.

Proposed law broadens the definition of cyberbullying to prohibit the cyberbullying not only of students but of school employees.

Present law exempts the parishes of Livingston, East Baton Rouge, East Feliciana, West Feliciana, St. Helena, and Tangipahoa from the present law requirement that each school board adopt and incorporate into its student code of conduct a policy prohibiting harassment, intimidation, and bullying.

Proposed law deletes this exemption.

Code of conduct for school employees:

Proposed law requires each public school board to adopt a code of conduct for school employees which shall include a policy prohibiting the harassment, intimidation, and bullying, including cyberbullying, of a student or a school employee by a school employee. Also requires school boards to provide training for school employees regarding harassment, intimidation, and bullying, including cyberbullying. Defines these terms as provided in proposed law relative to student codes of conduct (see above).

(Amends R.S. 17:416.13(A), (B)(1) and (2), (C), and (D)(1) and (2); adds R.S. 17:81(W) and 3996(B)(30); repeals R.S. 17:416.13(B)(4))