
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))