

Regular Session, 2011

HOUSE BILL NO. 112

BY REPRESENTATIVES AUSTIN BADON AND BROSSETT

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

STUDENTS: Provides relative to public school policies prohibiting the harassment, intimidation, and bullying of a student by another student

1 AN ACT

2 To amend and reenact R.S. 17:416.13(B), relative to student codes of conduct; to provide
3 relative to public school policies prohibiting the harassment, intimidation, and
4 bullying of a student by another student; to further define what constitutes
5 harassment, intimidation, and bullying; to provide relative to applicability; and to
6 provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 17:416.13(B) is hereby amended and reenacted to read as follows:

9 §416.13. Student code of conduct; requirement; harassment, intimidation, and
10 bullying; prohibition; ~~exemptions~~

11 * * *

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

16 (2) For purposes of this Subsection, the terms "harassment", "intimidation",
17 and "bullying" shall mean either of the following:

18 (a) ~~any~~ Any intentional gesture or written, verbal, or physical act that ~~(a) A~~
19 a reasonable person under the circumstances should know will have the effect of
20 harming a student or damaging his property or placing a student in reasonable fear
21 of harm to his life or person or damage to his property; ~~and~~

student, school employee, or school volunteer who in good faith reports such an incident to the appropriate school official in accordance with the procedures established by school board policy shall be immune from a right of action for damages arising from any failure to remedy the reported incident. Excepts the parishes of Livingston, East Baton Rouge, East Feliciana, West Feliciana, St. Helena, and Tangipahoa. 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 (R.S. 17:416.13(B)) retains present law except to delete the exception for the six specified parishes. Also further defines the terms "harassment", "intimidation", and "bullying" to include any intimidating, threatening, or abusive gesture or written, verbal, or physical act by a student directed at another student occurring on school property, on a school bus, or at a school-sponsored event that a reasonable person under the circumstances would perceive as being motivated by any actual or perceived characteristic such as race, color, religion, ancestry, national origin, sexual orientation, gender, gender identity or expression, physical characteristic, political persuasion, mental disability, and physical disability, as well as attire or association with others identified by such categories.

(Amends R.S. 17:416.13(B))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Education to the original bill.

1. Changes proposed law definition of the terms "harassment", "intimidation", and "bullying" to refer to an intimidating, threatening, or abusive gesture or written, verbal, or physical act that a reasonable person under the circumstances would perceive as being motivated by a characteristic rather than to a gesture or written, verbal, or physical act that is reasonably perceived as being motivated by a characteristic.