

Regular Session, 2012

HOUSE BILL NO. 1214 (Substitute for House Bill No. 407 by Representative Smith)

BY REPRESENTATIVE SMITH

SCHOOLS: Provides relative to harassment, intimidation, and bullying in public schools

1 AN ACT

2 To amend and reenact R.S. 17:416.13(B)(1), (2), and (3) and (D)(3), to enact R.S. 17:81(W)  
3 and 3996(B)(30), and to repeal R.S. 17:416.13(B)(4), relative to harassment,  
4 intimidation, and bullying in public schools; to provide relative to codes of conduct  
5 for school employees and for students; to provide relative to the prohibition in such  
6 codes of conduct against harassment, intimidation, and bullying; to provide relative  
7 to definitions, training, reporting, and investigation; to remove provisions excepting  
8 certain parishes from certain requirements relative to student codes of conduct; to  
9 provide relative to effectiveness; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 17:416.13(B)(1), (2), and (3) and (D)(3) are hereby amended and  
12 reenacted and R.S. 17:81(W) and 3996(B)(30) are hereby enacted to read as follows:

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

14 \* \* \*

15 W.(1) Each city, parish, and other local public school board shall adopt a  
16 code of conduct for its school employees that is in compliance with all existing rules,  
17 regulations, and policies of the board and of the State Board of Elementary and  
18 Secondary Education and that includes any necessary disciplinary action to be taken  
19 against any employee who violates the code of conduct.



1 \* \* \*

2 B.(1)(a) ~~By not later than August 1, 2001, each~~ Each city, parish, and other  
3 local public school board shall adopt and incorporate into the student code of  
4 conduct, as provided in this Section, a policy prohibiting the harassment,  
5 intimidation, and bullying of a student by another student. The policy shall include  
6 consequences and remedial action for a student who violates the policy.

7 (b) The policy shall be posted prominently on the website of the school board  
8 and the website of each school under the board's jurisdiction.

9 (c) The state Department of Education shall compile and study the best  
10 practices for the prevention of harassment, intimidation, and bullying, including  
11 cyberbullying, as recommended by leading professional organizations. By August  
12 1, 2012, the department shall develop and disseminate to each city, parish, and other  
13 local public school board a model policy relative to the prohibition of harassment,  
14 intimidation, and bullying, including cyberbullying, that a school board may use in  
15 the development of its policy. The model policy shall provide detailed guidelines for  
16 reporting, investigating, and responding to incidents of harassment, intimidation, and  
17 bullying, including cyberbullying, that are based on actual or perceived personal  
18 characteristics, including procedures for the timely notification and involvement of  
19 parents or legal guardians.

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

24 (a) ~~A~~ a reasonable person under the circumstances knows or should know  
25 will have the effect of harming a student or damaging his personal property or  
26 placing a student in reasonable fear of harm to his life or person or damage to his  
27 personal property; and

28 (b) ~~Is so severe, persistent, or pervasive that it~~ and creates an intimidating,  
29 threatening, or abusive educational environment for a student.



1           (c) The principal or his designee shall initiate an investigation of each  
2           incident within one school day of the reporting of the incident. The investigation  
3           shall be completed by not later than ten school days from the date of the written  
4           report of the incident. If information is received after the end of the ten-day period,  
5           the principal or his designee may amend the original report of the results of the  
6           investigation to reflect the information.

7           (d) The parents or legal guardians of any student who is involved in the  
8           investigation shall be entitled to receive information about the investigation,  
9           including the nature of the investigation, whether the school found evidence of  
10          harassment, intimidation, or bullying, including cyberbullying, and whether  
11          discipline was imposed or services provided to address the incident.

12          (e)(i) The governing authority of each public elementary and secondary  
13          school shall report all such documented ~~incidences~~ incidents of harassment,  
14          intimidation, and bullying, including cyberbullying, to the state Department of  
15          Education as prescribed in rules adopted by the State Board of Elementary and  
16          Secondary Education in accordance with the Administrative Procedure Act. This  
17          report shall include any measures taken to reduce harassment, intimidation, and  
18          bullying, including cyberbullying, and shall be submitted to the department twice per  
19          school year, between September first and December thirty-first and between January  
20          first and June thirtieth.

21          (ii) By not later than sixty days prior to each Regular Session of the  
22          Legislature, the state superintendent of education shall submit to the House  
23          Committee on Education and the Senate Committee on Education a written report  
24          which shall compile the information reported by public school governing authorities  
25          pursuant to Item (i) of this Subparagraph and which shall include recommendations  
26          for related legislation, if any. The report shall be made available on the website of  
27          the state Department of Education.

28          (iii) The reports provided for in this Subparagraph shall not contain  
29          personally identifiable information pertaining to any student.

1 \* \* \*

2 §3996. Charter schools; exemptions; requirements

3 \* \* \*

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

11 \* \* \*

12 (30) Policies on harassment, intimidation, and bullying, R.S. 17:81(W) and  
13 416.13.

14 \* \* \*

15 Section 2. R.S. 17:416.13(B)(4) is hereby repealed in its entirety.

16 Section 3. This Act shall become effective on July 1, 2012; if vetoed by the governor  
17 and subsequently approved by the legislature, this Act shall become effective on July 1,  
18 2012, or on the day following such approval by the legislature, whichever is later.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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Smith HB No. 1214

**Abstract:** Provides relative to the policy in student codes of conduct which prohibits harassment, intimidation, and bullying, including cyberbullying; requires each school board to adopt an employee code of conduct which prohibits the same; requires training for school employees; provides procedures for reporting and investigating at the school level; removes exception of certain parishes from certain student code of conduct requirements.

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 that the policy include consequences and remedial

action for a student who violates the policy and that the policy be posted prominently on the school board's website and that of each school under its jurisdiction.

Proposed law requires the state Dept. of Education to compile and study the best practices for the prevention of harassment, intimidation, and bullying, including cyberbullying, and to develop and disseminate to each school board by Aug. 1, 2012, a model policy prohibiting such acts that a school board may use in the development of its policy. Requires that the department's model policy provide detailed guidelines for reporting, investigating, and responding to incidents of harassment, intimidation, and bullying, including cyberbullying, that are based on actual or perceived personal characteristics, including procedures for the timely notification and involvement of parents or legal guardians.

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 changes the definition of 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 a reasonable person under the circumstances knows or should know will have the effect of harming a student or damaging his personal property or placing a student in reasonable fear of harm to his life or person or damage to his personal property and that creates a fear-inducing, threatening, or abusive education environment for a student.

Proposed law prohibits any student, school employee, or school volunteer from engaging in reprisal, retaliation, or false accusation against a victim, witness, or individual with reliable information about an act of harassment, intimidation, or bullying, including cyberbullying. Provides that a school employee who receives a report of such an act and fails to initiate or conduct an investigation or who knows of such an act and fails to take sufficient action may be subject to disciplinary action.

Present law requires the state Dept. of Education to develop a behavior incidence checklist that each public school governing authority shall use to document the details of each reported incident of harassment, intimidation, and bullying, including cyberbullying. Proposed law requires each governing authority to disseminate this checklist to each school under its jurisdiction.

Proposed law provides the following relative to reporting and investigating acts of harassment, intimidation, and bullying, including cyberbullying:

- (1) Requires a school employee who witnesses or receives reliable information that a student has been subject to harassment, intimidation, or bullying, including cyberbullying to report the incident to the school principal or his designee orally on the same day as the alleged incident and in writing within two days of the alleged incident.
- (2) Requires the principal or his designee to notify the parents or legal guardians of all students involved in the alleged incident, and authorizes discussion of counseling, support services, and intervention services.

- (3) Requires the principal or his designee to initiate an investigation of each incident within one school day of its reporting. Requires completion of the investigation within 10 school days from the date of the written report.
- (4) Provides that parents or legal guardians of any involved students are entitled to receive information about the investigation.

Present law requires each public school governing authority to report all documented incidences of harassment, intimidation, and bullying, including cyberbullying, to the state Dept. of Education. Proposed law provides the following relative to reporting:

- (1) Requires such report to be made twice per school year and specifies that it shall include any measures taken to reduce harassment, intimidation, and bullying, including cyberbullying.
- (2) Requires, by not later than 60 days prior to each Regular Session of the Legislature, the state superintendent of education to submit to the House and Senate education committees a written report which shall compile the information reported to the department by public school governing authorities and which shall include recommendations for related legislation, if any.
- (3) Prohibits reports from containing personally identifiable information pertaining to any student.

Present law excepts 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 exception.

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. Defines these terms as provided in proposed law relative to student codes of conduct.

Proposed law requires boards, in collaboration with trained mental health professionals, to provide the following for school employees:

- (1) At least four hours of training with respect to harassment, intimidation, and bullying, including cyberbullying, including but not limited to training relative to suicide prevention. Such training shall assist school employees in identifying actual or perceived personal characteristics for which children are often targeted for acts of harassment, intimidation, and bullying, including cyberbullying, and shall provide knowledge and skills relative to reducing these acts based on such characteristics.
- (2) Ongoing training on a monthly basis, as needed, based on the environment of each particular school.

Effective July 1, 2012.

(Amends R.S. 17:416.13(B)(1), (2), and (3) and (D)(3); Adds R.S. 17:81(W) and 3996(B)(30); Repeals R.S. 17:416.13(B)(4))