

Regular Session, 2012

SENATE BILL NO. 764 (Substitute of Senate Bill No. 709 by Senator Ward)

BY SENATOR WARD AND REPRESENTATIVE SCHRODER

STUDENTS. Prohibits bullying at schools or school sponsored events. (gov sig)

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AN ACT

To amend and reenact R.S. 17:415, 416(A)(1)(a), (b)(i), and (c)(i), 3(a)(xvii), 4(introductory paragraph), (a)(i)(ee), and (b), 416.4(C), 416.13, and 416.20(A), to enact R.S. 17:416(A)(1)(c)(ii)(dd), (2)(d), (3)(a)(xviii), and (4)(c) and 3996(B)(30), and to repeal R.S. 17:416.14, relative to bullying; to provide relative to the student code of conduct; to provide relative to student discipline; to provide for duties; to provide for reporting; to provide for parental notification; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:415, 416(A)(1)(a), (b)(i), and (c)(i), 3(a)(xvii), 4(introductory paragraph), (a)(i)(ee), and (b), 416.4(C), 416.13, and 416.20(A) are amended and reenacted and R.S. 17:416(A)(1)(c)(ii)(dd), (2)(d), (3)(a)(xviii), and (4)(c) and 3996(B)(30) are hereby enacted to read as follows:

§415. School records; duty to keep reports by school principal

Parish superintendents and teachers of the public schools of the state shall make and keep such school records as shall be prescribed by the state superintendent of education, prior to receiving their monthly salaries. Each principal of a school shall make to the parish superintendent of schools such reports as may be required,

1 including but not limited to the disciplinary reports required in R.S.  
2 17:416(A)(4). If any principal wilfully neglects or fails to do this, the parish  
3 superintendent of schools may withhold the salary due until the report is  
4 satisfactorily made.

5 §416. Discipline of ~~pupils~~ students; suspension; expulsion

6 A.(1)(a) Every teacher and other school employee shall endeavor to hold  
7 every ~~pupil~~ student to a strict accountability for any disorderly conduct in school or  
8 on the playgrounds of the school, on the street or road while going to or returning  
9 from school, on any school bus, or during intermission or recess, or at any school-  
10 sponsored activity or function.

11 (b)(i) Each teacher may take disciplinary action to correct a ~~pupil~~ student  
12 who disrupts normal classroom activities, who is disrespectful to a teacher, who  
13 willfully disobeys a teacher, who uses abusive or foul language directed at a teacher  
14 or another ~~pupil~~ student, who engages in bullying, who violates school rules, or  
15 who interferes with an orderly education process.

16 (ii) In addition to those procedures set forth in R.S. 17:416.13 regarding  
17 bullying, D~~disciplin~~ary action may include but is not limited to:

18 \* \* \*

19 (c)(i) When a ~~pupil's~~ student's behavior prevents the orderly instruction of  
20 other ~~pupils~~ students or poses an immediate threat to the safety or physical well  
21 being of any ~~pupil~~ student or teacher, when a ~~pupil~~ student exhibits disrespectful  
22 behavior toward the teacher such as using foul or abusive language or gestures  
23 directed at or threatening a ~~pupil~~ student or a teacher, when a ~~pupil~~ student violates  
24 the school's code of conduct, or when a ~~pupil~~ student exhibits other disruptive,  
25 dangerous, or unruly behavior, including inappropriate physical contact,  
26 inappropriate verbal conduct, sexual or other harassment, bullying, throwing objects,  
27 inciting other ~~pupils~~ students to misbehave, or destroying property, the teacher may  
28 have the ~~pupil~~ student immediately removed from his classroom and placed in the  
29 custody of the principal or his designee. A ~~pupil~~ student removed from the

1 classroom pursuant to this Subparagraph shall be assigned school work missed and  
2 shall receive either partial or full credit for such work if it is completed satisfactorily  
3 and timely as determined by the principal or his designee, upon the recommendation  
4 of the ~~pupil's~~ **student's** teacher; however, the teacher shall not be required to  
5 interrupt class instruction time to prepare any such assignment.

6 (ii) \* \* \*

7 **(dd) The principal or designee shall follow all procedures set forth in**  
8 **R.S. 17:416.13 regarding bullying.**

9 \* \* \*

10 (2) As used in this Section:

11 \* \* \*

12 **(d) "Bullying" is defined in R.S. 17:416.13.**

13 (3)(a) A school principal may suspend from school or suspend from riding  
14 on any school bus any ~~pupil~~ **student** who:

15 \* \* \*

16 (xvii) **Has engaged in bullying.**

17 **(xviii)** Commits any other serious offense.

18 \* \* \*

19 (4) ~~By not later than January 1, 1998,~~ **The governing authority of** each city  
20 ~~and parish~~ **public elementary and secondary** school ~~board~~ shall adopt such rules  
21 and regulations as it deems necessary to implement the provisions of this Subsection  
22 **and of R.S. 17:416.13.** Such rules and regulations shall include but not be limited  
23 to the following provisions:

24 (a) \* \* \*

25 (i) \* \* \*

26 (ee) A menu of check off items to indicate the nature of the incident,  
27 including fighting **or bullying** at the bus stop, fighting **or bullying** on the bus,  
28 smoking on the bus, leaving the bus without permission, boarding the bus at the  
29 incorrect stop, showing disrespect toward the driver, committing an immoral or

1 vicious act, throwing objects within the bus or out of bus windows or doors, refusing  
2 to occupy an assigned seat, using profane language, showing willful disobedience,  
3 defacing the bus, carrying objects or implements which can be used as weapons, or  
4 committing some other undesignated violation.

5 \* \* \*

6 (b) **Procedures implementing the provisions of R.S. 17:416.13 regarding**  
7 **bullying.**

8 (c) A procedure requiring that, within a reasonable period of time, a principal  
9 shall review any such report and then act upon it as provided by this Section, **or R.S.**  
10 **17:416.13,** or explain the reasons for failing to act to the local superintendent of  
11 schools or his designee and to the teacher, ~~or~~ other school employee, **student,**  
12 **parent, or legal guardian** reporting the violation.

13 \* \* \*

14 §416.4. Civil liability; legal defense and indemnification of all public school  
15 employees

16 \* \* \*

17 C. Nothing in this Section shall require a school board to indemnify an  
18 employee against a judgment wherein there is a specific decree in the judgment that  
19 the action of the employee was maliciously, willfully, and deliberately intended to  
20 cause bodily harm or to harass or intimidate the student **or where there is a specific**  
21 **decree in the judgment that the employee purposefully or with gross disregard**  
22 **of the facts ignored the complaints of the student, or the student's parent or**  
23 **guardian, that the student was being bullied and the bullying lead to the**  
24 **physical harm or death of the child.**

25 \* \* \*

26 §416.13. Student code of conduct; requirement; ~~harassment, intimidation, and~~  
27 ~~bullying; prohibition; exemptions~~ **notice; reporting; accountability**

28 A. **Code of Conduct.** By not later than August 1, 1999, **The governing**  
29 **authority of** each city, parish and other local public **elementary and secondary**

1 school ~~board~~ shall adopt a student code of conduct for the students in **it's the** school  
2 ~~system~~. Such code of conduct shall be in compliance with all existing rules,  
3 regulations, and policies of the **school** board and of the State Board of Elementary  
4 and Secondary Education and all state laws relative to student discipline and shall  
5 include any necessary disciplinary action to be taken against any student who  
6 violates the code of conduct.

7 B.(1) **Bullying Policy.** ~~By not later than August 1, 2001, The governing~~  
8 **authority of** each city, parish, and other local public **elementary and secondary**  
9 school ~~board~~ shall adopt, and incorporate into the student code of conduct, as  
10 ~~provided in this Section~~ a policy prohibiting the harassment, intimidation, and  
11 bullying of a student by another student, **which includes the definition of bullying**  
12 **set forth herein. This policy must be implemented in a manner that is ongoing**  
13 **throughout the school year and integrated with a school's curriculum, a school's**  
14 **discipline policies, and other violence prevention efforts.**

15 (2) ~~For purposes of this Subsection, the terms "harassment", "intimidation",~~  
16 ~~and "bullying" shall mean any intentional gesture or written, verbal, or physical act~~  
17 ~~that:~~

18 (a) ~~A reasonable person under the circumstances should know will have the~~  
19 ~~effect of harming a student or damaging his property or placing a student in~~  
20 ~~reasonable fear of harm to his life or person or damage to his property; and~~

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

23 (3) ~~Any student, school employee, or school volunteer who in good faith~~  
24 ~~reports an incident of harassment, intimidation, or bullying to the appropriate school~~  
25 ~~official in accordance with the procedures established by local board policy shall be~~  
26 ~~immune from a right of action for damages arising from any failure to remedy the~~  
27 ~~reported incident.~~

28 (4) ~~The provisions of this Subsection shall not apply to the parishes of~~  
29 ~~Livingston, East Baton Rouge, East Feliciana, West Feliciana, St. Helena, and~~

1 ~~Tangipahoa.~~

2 ~~C.(1)~~ By not later than January 1, 2011 **2013**, the governing authority of each  
3 public elementary and secondary school shall:

4 ~~(a) conduct~~ **Conduct** a review of the student code of conduct required by this  
5 Section and amend such code as may be necessary to assure that the policy  
6 prohibiting the harassment, intimidation, and bullying of a student by another student  
7 specifically addresses the nature, extent, causes, and consequences of **behavior**  
8 **constituting cyberbullying, the effect said behavior has on others, including**  
9 **bystanders, and the disciplinary and criminal consequences, and includes the**  
10 **definition of bullying contained herein.**

11 **(b) Create a program through which it shall provide at least four hours**  
12 **of training for all school employees, including bus drivers, with respect to**  
13 **bullying each year which specifically addresses the effect said behavior has on**  
14 **others, including bystanders, and the disciplinary and criminal consequences,**  
15 **and includes the definition of bullying contained herein.**

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

22 **C. Definition of Bullying. For the purposes of this Subsection, the term**  
23 **"bullying" shall mean:**

24 **(1) Any pattern of any of the following:**

25 **(a) Gestures, including but not limited to, obscene gestures and making**  
26 **faces.**

27 **(b) Written, electronic, or verbal communications, including but not**  
28 **limited to, calling names, threatening harm, taunting, malicious teasing,**  
29 **spreading untrue rumors. Electronic communication includes but is not limited**

1 to a communication or image transmitted by e-mail, instant message, text  
2 message, blog, or social networking website through the use of a telephone,  
3 mobile phone, pager, or computer.

4 (c) Physical acts, including but not limited to hitting, kicking, pushing,  
5 tripping, choking, damaging personal property, or unauthorized use of personal  
6 property.

7 (d) Repeatedly and purposefully shunning or excluding from activities.

8 (2) That a student or group of students has exhibited toward another  
9 student more than once.

10 (3) That occurs, or is received by a student, on school property, at a  
11 school-sponsored or school-related function or activity, in any school bus or van,  
12 at any designated school bus stop, in any other school or private vehicle used to  
13 transport students to and from schools or any school-sponsored activity or  
14 event.

15 (4) That has the effect of any of the following:

16 (a) Physically harming a student or placing the student in reasonable  
17 fear of physical harm.

18 (b) Damaging a student's property or placing the student in reasonable  
19 fear of damage to the student's property.

20 (5) That is sufficiently severe, persistent, and pervasive enough to either:

21 (a) Create an intimidating or threatening educational environment.

22 (b) Have the effect of substantially interfering with a student's  
23 performance in school.

24 (c) Have the effect of substantially disrupting the orderly operation of  
25 the school.

26 D. Prior to January 1, 2013, the State Board of Elementary and  
27 Secondary Education shall develop and adopt rules and regulations for the  
28 implementation of this Subsection relevant to the procedures the processes used  
29 to report and investigate bullying and which shall include but not be limited to:

1           (1) **Notice to Students and Parents.** ~~Beginning on January 1, 2011, and~~  
2 ~~continuing thereafter, t~~The governing authority of each public elementary and  
3 secondary school shall inform each student, **verbally and** in writing ~~within ten days~~  
4 ~~after enrolling in school~~ **at the orientation required under R.S. 17:416.20,** of the  
5 prohibition against ~~harassment, intimidation, and bullying, including cyberbullying,~~  
6 of a student by another student, ~~the nature and consequences of such actions,~~  
7 **including the potential criminal consequences and loss of driver's license as**  
8 **provided in R.S. 17:416.1,** and the proper process and procedure for reporting any  
9 incidents involving such prohibited actions. **A copy of the written notice shall also**  
10 **be delivered to each student's parent or legal guardian.**

11           (2) **Reporting. (a)** ~~By not later than January 1, 2011, t~~The governing  
12 authority of each public elementary and secondary school shall develop and adopt  
13 a ~~policy establishing procedures for the investigation of reports of harassment,~~  
14 ~~intimidation, and bullying, including cyberbullying, of a student by another student~~  
15 **a procedure for the reporting of incidents of bullying. This shall include a form**  
16 **for the purposes of bullying reports. The form shall include an affirmation of**  
17 **truth of statement. Any bullying report submitted regardless of recipient shall**  
18 **use this form, but additional information may be provided. The form shall be**  
19 **available on the Department of Education's website.**

20           (i) **Students and parents. Any student who believes that he or she has**  
21 **been, or is currently, the victim of bullying, or any student, or any parent or**  
22 **guardian, who witnesses bullying or has good reason to believe bullying is**  
23 **taking place, may report the situation to a school official. A student, or parent**  
24 **or guardian, may also report concerns regarding bullying to a teacher,**  
25 **counselor, other school employee, or to any parent chaperoning or supervising**  
26 **a school function or activity. Any report of bullying shall remain confidential.**

27           (ii) **School personnel. Any teacher, counselor, bus driver, or other school**  
28 **employee, whether full or part time, and including any parent chaperoning or**  
29 **supervising a school function or activity, who witnesses bullying or who learns**



1 of bullying from a student pursuant to Item (a)(i) of this Paragraph, shall make  
2 a report to a school official.

3 (iii) Retaliation. Retaliation against any person who reports bullying in  
4 good faith, who is thought to have reported bullying, who files a complaint, or  
5 who otherwise participates in an investigation or inquiry concerning allegations  
6 of bullying is prohibited conduct and subject to discipline. School and district  
7 resources shall not be used to prohibit or dissuade any person who meets the  
8 specifications of this Item.

9 (iv) False Reports. Intentionally making false reports about bullying to  
10 school officials is prohibited conduct and will result in the appropriate  
11 disciplinary measures as determined by the governing authority of the school  
12 in accordance with the rules and regulations of the State Board of Elementary  
13 and Secondary Education.

14 (3) Investigation.(a) Procedure. By not later than January 1, 2013, the  
15 State Board of Elementary and Secondary Education shall develop and adopt  
16 a procedure for the investigation of reports of bullying of a student by another  
17 student. The procedure shall include the following:

18 (b) Scope of investigation. An investigation shall include an interview of  
19 the reporter, the victim, the alleged bully, and any witnesses, and shall include  
20 obtaining copies or photographs of any audio-visual evidence.

21 (c) Timing. The school shall begin an investigation of any complaint that  
22 is properly reported and that alleges conduct prohibited in this Section the next  
23 business day during which school is in session after the report is received by the  
24 school official.

25 (d) Appeal. (i) If the school official does not take timely and effective  
26 action pursuant to this Section, the student, parent, or school employee may  
27 report the bullying incident to the city, parish, or other local school board or  
28 local governing authority. The school board or governing authority shall begin  
29 an investigation of any complaint that is properly reported and that alleges

1 conduct prohibited in this Section the next business day during which school is  
2 in session after the report is received by a school board or governing authority  
3 official.

4 (ii) If the school board does not take timely and effective action, the  
5 student, parent, or other school employee may report the bullying incident to  
6 the Department of Education. The department shall track the number of  
7 reports, shall notify in writing the superintendent and the president of the  
8 school's governing authority, and shall publish the number of reports by school  
9 district or governing authority on its website. The department shall provide  
10 both the number of actual reports received and the number of reports received  
11 by affected child.

12 (iii) For the purposes of this Section, a report means a written document  
13 that meets the requirements of Subparagraph (2)(a) of this Subsection.

14 (e) Parental Notification.

15 (i) Upon receiving a report of bullying, the school official shall notify the  
16 child's parent or guardian according to the definition of notice created by the  
17 Department of Education.

18 (ii) Under no circumstances shall the delivery of the notice to the parent  
19 or parents, which is required by this Subsection, be the responsibility of an  
20 involved student. Delivery of the notice by an involved student shall not  
21 constitute notice as is required pursuant to this Subsection.

22 (iii) Before any student under the age of eighteen is interviewed, his or  
23 her parent or guardian shall be notified by the school official of the allegations  
24 made and shall have the opportunity to attend any interviews with their child  
25 conducted as part of the investigation.

26 (iv) The State Board of Elementary and Secondary Education shall  
27 develop a procedure for meetings with the parents of the victim and the parents  
28 of the alleged perpetrator. This procedure shall include:

29 (aa) Separate meetings with the parents or legal guardians of the victim

1 and the parents or legal guardians of the alleged perpetrator.

2 (bb) Notification of parents or legal guardians of the victim and of the  
3 alleged perpetrator of the available potential consequences, penalties, and  
4 counseling options.

5 (cc) In any case where a teacher, principal, or other school employee is  
6 authorized in this Section to require the parent or legal guardian of a student  
7 who is under the age of eighteen and not judicially emancipated or emancipated  
8 by marriage to attend a conference or meeting regarding the student's behavior  
9 and, after notice, the parent, tutor, or legal guardian willfully refuses to attend,  
10 that the principal or his designee shall file a complaint with a court exercising  
11 juvenile jurisdiction, pursuant to Children's Code Article 730(8) and 731. The  
12 principal may file a complaint pursuant to Children's Code Article 730(1) or  
13 any other applicable ground when, in his judgment, doing so is in the best  
14 interests of the student.

15 (f) Disciplinary Action. If the school has received a report of bullying,  
16 has determined that an act of bullying has occurred, and after meeting with the  
17 parent/guardian of the students involved, the school official shall:

18 (i) Take prompt and appropriate disciplinary action, pursuant to R.S.  
19 17:416 and 416.1, against the student that the school official determines has  
20 engaged in conduct which constitutes bullying, if appropriate.

21 (ii) Report criminal conduct to law enforcement, if appropriate.

22 (g) Parental Relief. (i) If a parent, legal guardian, teacher, or other  
23 school official has made four or more reports of bullying, as provided in  
24 Paragraph (2) of the Subsection, and no investigation pursuant to Paragraph  
25 (3) of this Subsection has occurred, the parent or legal guardian with  
26 responsibility for decisions regarding the education of the student about whom  
27 the report or reports have been made may exercise an option to have the child  
28 enroll in or attend another school operated by the governing authority of the  
29 public elementary or secondary school at which the child was enrolled on the

1 dates when at least three of the reports were submitted.

2 (ii) The parent shall file a request with the superintendent for the  
3 transfer of the child to another school under the governing authority's  
4 jurisdiction.

5 (iii) The governing authority of the public elementary or secondary  
6 school at which the child was enrolled shall make a seat available at another  
7 public elementary or secondary school under its jurisdiction within thirty  
8 calendar days of the parent or legal guardian's request for a transfer.

9 (iv) If no seat is made available within thirty calendar days of the receipt  
10 by the superintendent of the request, the parent or legal guardian may request  
11 a hearing with the local governing authority, which shall be public or private  
12 at the option of the parent or legal guardian. The local governing authority shall  
13 grant the hearing at the next scheduled meeting or within sixty calendar days,  
14 whichever is sooner.

15 (h) Documentation. (i) The state Department of Education shall develop  
16 a behavior incidence checklist that the governing authority of each public elementary  
17 and secondary school shall use to document the details of each reported incident of  
18 ~~harassment, intimidation, and bullying, including cyberbullying.~~

19 ~~(b)(ii)~~ (ii) The governing authority of each public elementary and secondary  
20 school shall report all such documented incidences of ~~harassment, intimidation, and~~  
21 ~~bullying, including cyberbullying,~~ to the Department of Education as prescribed in  
22 rules adopted by the State Board of Elementary and Secondary Education in  
23 accordance with the Administrative Procedure Act **and R.S. 17:415.**

24 (iii) After the investigation and meeting with the parents, pursuant to  
25 this Section, a school, local school board or other local school governing  
26 authority shall:

27 (aa) Compose a written document containing the findings of the  
28 investigation, including input from the parents, and the decision by the school  
29 or school system official. The document shall be placed in the school records of

1           **both students.**

2                   **(bb) Promptly notify the complainant of the findings of the investigation**  
3           **and that remedial action has been taken, if such release of information does not**  
4           **violate the law.**

5                   **(cc) Keep complaints and investigative reports confidential, except as is**  
6           **provided in this Section and where disclosure is required to be made pursuant**  
7           **to 20 U.S.C.A. 1232(G) or by other applicable federal laws, rules, or regulations**  
8           **or by state law.**

9                   **(dd) Maintain complaints and investigative reports for three years in the**  
10          **event that disclosure is warranted by law enforcement officials.**

11                  **(ee) As applicable, provide a copy of any reports and investigative**  
12          **documents to the governing authority of the school in order that the governing**  
13          **authority can comply with the provisions of R.S. 17:416.1.**

14                  **(ff) As applicable, provide a copy of any reports and investigative**  
15          **documents to the Department of Education. Upon receipt, the department shall**  
16          **remove any reports related to the investigative documents from notation on the**  
17          **department's website, but shall maintain a record of those reports for three**  
18          **years.**

19                  **E. Parental Responsibilities. Nothing herein shall be deemed to interfere**  
20          **with the authority and the responsibility that a parent or legal guardian has for**  
21          **the student at all times but particularly when the student is not on the school**  
22          **premises, is not engaged in a school-sponsored function or school- sponsored**  
23          **activity, and is not being transported by school-sponsored means of**  
24          **transportation.**

25                  **F. This Section shall not be interpreted to conflict with or supercede the**  
26          **provisions requiring mandatory reporting pursuant to Louisiana Children's**  
27          **Code Article 609 and as enforced through R.S. 14:403.**

28                  **G. Preclusion. (1) This Section shall not be interpreted to prevent a**  
29          **victim of bullying, or his parent or legal guardian, from seeking redress under**

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any other available law either civil or criminal.

(2) Nothing in this Section is intended to infringe upon the right of a school employee or student to exercise their right of free speech.

H. Construction; equal protection. All students subject to the provisions of this Section shall be protected equally and without regard to the subject matter or the motivating animus of the bullying.

\* \* \*

§416.20. Student conduct standards; awareness and understanding by students; required orientation; guidelines

A. In addition to any other requirements established by law, rule, or regulation relative to student discipline and conduct ~~and beginning with the 2008-2009 school year and continuing thereafter~~, the governing authority of a public elementary or secondary school shall require that every student be provided an orientation during the first five days of each school year regarding school disciplinary rules and provisions of the code of student conduct applicable to such students, **including but not limited to the policy on bullying as set forth in R.S. 17:416.13** . Orientation instruction shall be provided by the school principal or his designees and shall include but not be limited to consequences for failing to comply with such school disciplinary rules and code requirements, **including suspension, expulsion, the possibility of suspension of a student's driver's license for one year as provided in R.S. 17:416.1, and the possible criminal consequences of violent acts committed on school property, at a school-sponsored function, or in a firearm-free zone.** The orientation also shall clearly communicate to students the rights afforded teachers pursuant to R.S. 17:416.18 and other applicable law relative to the discipline of students.

\* \* \*

§3996. Charter schools; exemptions; requirements

\* \* \*

B. Notwithstanding any state law, rule, or regulation to the contrary and



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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Jerry J. Guillot.

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DIGEST

Ward (SB 764)

Provides for the "Tesa Middlebrook Anti-Bullying Act.

Provides relative to the discipline of students in public elementary and secondary schools regarding bullying. Extends applicability of discipline to school buses and school-sponsored activities and functions.

Provides that a school board is not required to indemnify an employee where there is a specific decree in the judgment that the employee purposefully or with gross disregard of the facts ignored the complaints of the student, or the student's parent or guardian, that the student was being bullied and the bullying lead to the physical harm or death of the child.

Provides for the student code of conduct to specifically address the behavior constituting bullying, the effect said behavior has on others, including bystanders, and the disciplinary and criminal consequences, and the definition of bullying.

Provides for a program through which the school shall provide at least four hours of training for all school employees, including bus drivers, with respect to bullying each year which specifically addresses the effect said behavior has on others, including bystanders, and the disciplinary and criminal consequences, and the definition of bullying.

Defines bullying as:

1. Any pattern of any of the following:
  - (a) Gestures, including but not limited to, obscene gestures and making faces.
  - (b) Written, electronic, or verbal communications, including but not limited to, calling names, threatening harm, taunting, malicious teasing, spreading untrue rumors. Electronic communication includes but is not limited to a communication or image transmitted by email, instant message, text message, blog, or social networking website through the use of a telephone, mobile phone, pager, or computer.
  - (c) Physical acts, including but not limited to hitting, kicking, pushing, tripping, choking, damaging personal property, or unauthorized use of personal property.
  - (d) Repeatedly and purposefully shunning or excluding from activities.
2. That a student or group of students has exhibited toward another student more than once.
3. That occurs, or is received by a student, on school property, at a school-sponsored or school-related function or activity, in any school bus or van, at any designated school bus stop, in any other school or private vehicle used to transport students to and from schools or any school-sponsored activity or event.
4. That has the effect of any of the following:
  - (a) Physically harming a student or placing the student in reasonable fear of



physical harm.

- (b) Damaging a student's property or placing the student in reasonable fear of damage to the student's property.
5. That is sufficiently severe, persistent, and pervasive enough to either:
- (a) Create an intimidating or threatening educational environment.
  - (b) Have the effect of substantially interfering with a student's performance in school.
  - (c) Have the effect of substantially disrupting the orderly operation of the school.

Requires that prior to January 1, 2013, BESE develop and adopt rules and regulations for the implementation of proposed law relevant to the procedures the processes used to report and investigate bullying and which shall include but not be limited to:

1. Notice to Students and Parents
2. Reporting.
  - (i) Provides that any student who believes that he or she has been, or is currently, the victim of bullying, or any student, or any parent or guardian, who witnesses bullying or has good reason to believe bullying is taking place, may report the situation to a school official. A student, or parent or guardian, may also report concerns regarding bullying to a teacher, counselor, other school employee, or to any parent chaperoning or supervising a school function or activity. Any report of bullying shall remain confidential.
  - (ii) Requires that any teacher, counselor, bus driver, or other school employee, whether full or part time, and including any parent chaperoning or supervising a school function or activity, who witnesses bullying or who learns of bullying from a student make a report to a school official.
  - (iii) Prohibits retaliation against any person who reports bullying in good faith, who is thought to have reported bullying, who files a complaint, or who otherwise participates in an investigation or inquiry concerning allegations of bullying.
  - (iv) Provides for discipline for intentionally making false reports about bullying to school officials.
3. Investigation including scope and timing
4. Appeal
5. Parental notification
6. Disciplinary action
7. Parental relief
8. Documentation

Provides that nothing in proposed law shall be deemed to interfere with the authority and the responsibility that a parent or legal guardian has for the student at all times but particularly

when the student is not on the school premises, is not engaged in a school-sponsored function or school-sponsored activity, and is not being transported by school-sponsored means of transportation.

Provides that proposed law shall not be interpreted to prevent a victim of bullying, or his parent or legal guardian, from seeking redress under any other available law either civil or criminal.

Provides that nothing in proposed law is intended to infringe upon the right of a school employee or student to exercise their right of free speech.

Provides that all students subject to proposed law shall be protected equally and without regard to the subject matter or the motivating animus of the bullying.

Provides that charter schools are subject to proposed law.

Provides that purpose of proposed law is to insure that all school districts have and maintain a uniform policy to provide equal protection, for all Louisiana public school children, against bullying.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 17:415, 416(A)(1)(a), (b)(i), and (c)(i), 3(a)(xvii), 4(intro. para.), (a)(i)(ee), and (b), 416.4(C), 416.13, and 416.20(A); adds R.S. 17:416(A)(1)(c)(ii)(dd), (2)(d), (3)(a)(xviii), and (4)(c) and 3996(B)(30), and repeals R.S. 17:416.14)