

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)

1 AN ACT

2 To amend and reenact R.S. 17:416.13(A), (B)(1) and (2), (C), and (D)(1) and (2), to enact

3 R.S. 17:81(W) and 3996(B)(30), and to repeal R.S. 17:416.13(B)(4), relative to

4 harassment, intimidation, and bullying in public schools; to provide relative to codes

5 of conduct for school employees and for students; to require such codes of conduct

6 to have policies which prohibit the harassment, intimidation, and bullying of students

7 and of school employees; to provide relative to definitions; to remove provisions

8 excepting certain parishes from certain requirements relative to student codes of

9 conduct; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

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

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

15 \* \* \*

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

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

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

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

12 \* \* \*

13 §416.13. Student code of conduct; requirement; harassment, intimidation, and  
14 bullying; prohibition; ~~exemptions~~

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

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

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

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

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

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

16 \* \* \*

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

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



---

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))