

ACT No. 861

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

BY SENATORS WARD, ALARIO, ALLAIN, AMEDEE, APPEL, BROOME, BROWN, BUFFINGTON, CHABERT, CROWE, DORSEY-COLOMB, GALLOT, GUILLORY, JOHNS, KOSTELKA, LONG, MARTINY, MURRAY, NEVERS, PERRY, RISER, TARVER, THOMPSON, WALSWORTH AND WHITE AND REPRESENTATIVES SCHRODER, BADON, BARRAS, BARROW, BILLIOT, WESLEY BISHOP, BROADWATER, BROSSETT, BROWN, TIM BURNS, BURRELL, CARTER, CHAMPAGNE, CHANEY, DANAHAY, FOIL, GISCLAIR, GUILLORY, HARRIS, HARRISON, HENRY, HENSGENS, HILL, HOFFMANN, HOLLIS, HOWARD, GIROD JACKSON, NANCY LANDRY, LIGI, MORENO, JAY MORRIS, JIM MORRIS, PIERRE, PYLANT, REYNOLDS, RITCHIE, SEABAUGH, ST. GERMAIN, PATRICK WILLIAMS AND WILLMOTT

1 AN ACT

2 To amend and reenact R.S. 17:415, 416(A)(1)(a), (b)(i) and (ii)(introductory paragraph), and
3 (c)(i), (3)(a)(introductory paragraph) and (xvii), (4)(introductory paragraph),
4 (a)(i)(ee), and (b), 416.4(C), 416.13, and 416.20(A), to enact R.S.
5 17:416(A)(1)(c)(ii)(dd), (2)(d), (3)(a)(xviii), and (4)(c) and 3996(B)(30), and to
6 repeal R.S. 17:416.14, relative to bullying; to provide relative to the student code of
7 conduct; to provide relative to student discipline; to provide for duties; to provide for
8 reporting; to provide for parental notification; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 17:415, 416(A)(1)(a), (b)(i) and (ii)(introductory paragraph), and
11 (c)(i), (3)(a)(introductory paragraph) and (xvii), (4)(introductory paragraph), (a)(i)(ee), and
12 (b), 416.4(C), 416.13, and 416.20(A) are amended and reenacted and R.S.
13 17:416(A)(1)(c)(ii)(dd), (2)(d), (3)(a)(xviii), and (4)(c) and 3996(B)(30) are hereby enacted
14 to read as follows:

15 §415. School records; duty to keep reports by school principal
16 **Parish Local** superintendents and teachers of the public schools of the state
17 shall make and keep such school records as shall be prescribed by the state
18 superintendent of education, prior to receiving their monthly salaries. Each principal
19 of a school shall make to the **parish local** superintendent of schools such reports as
20 may be required, **including but not limited to the disciplinary reports required**
21 **in R.S. 17:416(A)(4)**. If any principal wilfully neglects or fails to do this, the **parish**

1 **local** superintendent of schools may withhold the salary due until the report is
 2 satisfactorily made.

3 §416. Discipline of ~~pupils~~ **students**; suspension; expulsion

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

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

14 (ii) **In addition to those procedures set forth in R.S. 17:416.13 regarding**
 15 **bullying,** Disciplinary ~~disciplinary~~ action may include but is not limited to:

16 * * *

17 (c)(i) When a ~~pupil's~~ **student's** behavior prevents the orderly instruction of
 18 other ~~pupils~~ **students** or poses an immediate threat to the safety or physical well
 19 being of any ~~pupil~~ **student** or teacher, when a ~~pupil~~ **student** exhibits disrespectful
 20 behavior toward the teacher such as using foul or abusive language or gestures
 21 directed at or threatening a ~~pupil~~ **student** or a teacher, when a ~~pupil~~ **student** violates
 22 the school's code of conduct, or when a ~~pupil~~ **student** exhibits other disruptive,
 23 dangerous, or unruly behavior, including inappropriate physical contact,
 24 inappropriate verbal conduct, sexual or other harassment, **bullying,** throwing objects,
 25 inciting other ~~pupils~~ **students** to misbehave, or destroying property, the teacher may
 26 have the ~~pupil~~ **student** immediately removed from his classroom and placed in the
 27 custody of the principal or his designee. A ~~pupil~~ **student** removed from the
 28 classroom pursuant to this Subparagraph shall be assigned school work missed and
 29 shall receive either partial or full credit for such work if it is completed satisfactorily
 30 and timely as determined by the principal or his designee, upon the recommendation

1 of the ~~pupil's~~ **student's** teacher; however, the teacher shall not be required to
2 interrupt class instruction time to prepare any such assignment.

3 (ii) * * *

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

6 * * *

7 (2) As used in this Section:

8 * * *

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

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

12 * * *

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

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

15 * * *

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

21 (a) * * *

22 (i) * * *

23 (ee) A menu of check-off items to indicate the nature of the incident,
24 including fighting **or bullying** at the bus stop, fighting **or bullying** on the bus,
25 smoking on the bus, leaving the bus without permission, boarding the bus at the
26 incorrect stop, showing disrespect toward the driver, committing an immoral or
27 vicious act, throwing objects within the bus or out of bus windows or doors, refusing
28 to occupy an assigned seat, using profane language, showing willful disobedience,
29 defacing the bus, carrying objects or implements which can be used as weapons, or
30 committing some other undesignated violation.

* * *

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

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

* * *

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

* * *

C. Nothing in this Section shall require a school board to indemnify an employee against a judgment wherein there is a specific decree in the judgment that the action of the employee was maliciously, willfully, and deliberately intended to cause bodily harm or to harass or intimidate the student or 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 led to the physical harm or death of the student.

* * *

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

A. Code of Conduct. ~~By not later than August 1, 1999; The governing authority of~~ each city, parish and other local public elementary and secondary school board shall adopt a student code of conduct for the students in its school system the schools under its jurisdiction. ~~Such~~ The code of conduct shall be in compliance with all existing rules, regulations, and policies of the school board and of the State Board of Elementary and Secondary Education and all state laws relative to student discipline and shall include any necessary disciplinary action to be taken

1 against any student who violates the code of conduct.

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

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

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

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

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

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

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

29 (a) ~~conduct~~ **Conduct** a review of the student code of conduct required by this
 30 Section and amend ~~such~~ **the** code as may be necessary to assure that the policy

1 prohibiting the harassment, intimidation, and bullying of a student by another student
 2 specifically addresses the nature, extent, causes, and consequences of **behavior**
 3 **constituting cyberbullying, the effect the behavior has on others, including**
 4 **bystanders, and the disciplinary and criminal consequences, and includes the**
 5 **definition of bullying as provided in Subsection C of this Section.**

6 **(b) Create a program to provide a minimum of four hours of training**
 7 **each year for all school employees, including bus drivers, with respect to**
 8 **bullying. The training shall specifically include the following:**

9 **(i) How to recognize the behaviors defined as bullying in Subsection C**
 10 **of this Section.**

11 **(ii) How to identify students at each grade level in the employee's school**
 12 **who are most likely to become victims of bullying, while not excluding any**
 13 **student from protection from bullying.**

14 **(iii) How to use appropriate intervention and remediation techniques and**
 15 **procedures.**

16 **(iv) The procedures by which incidents of bullying are to be reported to**
 17 **school officials.**

18 **(v) Information on suicide prevention, including the relationship between**
 19 **suicide risk factors and bullying. This content shall be based on information**
 20 **supported by peer-reviewed research conducted in compliance with accepted**
 21 **scientific methods and recognized as accurate by leading professional**
 22 **organizations and agencies with relevant experience.**

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

29 **C. Definition of Bullying. "Bullying" means:**

30 **(1) A pattern of any one or more of the following:**

1 (a) Gestures, including but not limited to obscene gestures and making
2 faces.

3 (b) Written, electronic, or verbal communications, including but not
4 limited to calling names, threatening harm, taunting, malicious teasing, or
5 spreading untrue rumors. Electronic communication includes but is not limited
6 to a communication or image transmitted by email, instant message, text
7 message, blog, or social networking website through the use of a telephone,
8 mobile phone, pager, computer, or other electronic device.

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

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

13 (2)(a) Where the pattern of behavior as provided in Paragraph (1) of this
14 Subsection is exhibited toward a student, more than once, by another student
15 or group of students and occurs, or is received by, a student while on school
16 property, at a school-sponsored or school-related function or activity, in any
17 school bus or van, at any designated school bus stop, in any other school or
18 private vehicle used to transport students to and from schools, or any
19 school-sponsored activity or event.

20 (b) The pattern of behavior as provided in Paragraph (1) of this
21 Subsection must have the effect of physically harming a student, placing the
22 student in reasonable fear of physical harm, damaging a student's property,
23 placing the student in reasonable fear of damage to the student's property, or
24 must be sufficiently severe, persistent, and pervasive enough to either create an
25 intimidating or threatening educational environment, have the effect of
26 substantially interfering with a student's performance in school, or have the
27 effect of substantially disrupting the orderly operation of the school.

28 D. Prior to January 1, 2013, the State Board of Elementary and
29 Secondary Education, in collaboration with the state Department of Education,
30 shall develop and adopt rules and regulations to implement the provisions of

1 this Section relative to the procedures and processes to be used to report and
2 investigate bullying and which shall include but not be limited to:

3 (1) Notice to Students and Parents. ~~Beginning on January 1, 2011, and~~
4 ~~continuing thereafter, the~~ The governing authority of each public elementary and
5 secondary school shall inform each student, orally and in writing ~~within ten days~~
6 ~~after enrolling in school~~ at the orientation required under R.S. 17:416.20, of the
7 prohibition against harassment, intimidation, and bullying, including cyberbullying,
8 of a student by another student; ~~the nature and consequences of such actions;~~
9 including the potential criminal consequences and loss of driver's license as
10 provided in R.S. 17:416.1, and the proper process and procedure for reporting any
11 incidents involving such prohibited actions. A copy of the written notice shall also
12 be delivered to each student's parent or legal guardian.

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

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

29 (c) School personnel. Any teacher, counselor, bus driver, or other school
30 employee, whether full or part time, and any parent chaperoning or supervising

1 a school function or activity, who witnesses bullying or who learns of bullying
2 from a student pursuant to Subparagraph (b) of this Paragraph, shall report the
3 incident to a school official. A verbal report shall be submitted by the school
4 employee or the parent on the same day as the employee or parent witnessed or
5 otherwise learned of the bullying incident and a written report shall be filed no
6 later than two days thereafter.

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

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

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

22 (a) Scope of investigation. An investigation shall include an interview
23 of the reporter, the victim, the alleged bully, and any witnesses, and shall
24 include obtaining copies or photographs of any audio-visual evidence.

25 (b) Timing. The school shall begin an investigation of any complaint
26 that is properly reported and that alleges conduct prohibited in this Section the
27 next business day during which school is in session after the report is received
28 by the school official. The investigation shall be completed not later than ten
29 school days after the date the written report of the incident is submitted to the
30 appropriate school official. If additional information is received after the end

1 of the ten-day period, the school principal or his designee shall amend all
2 documents and reports required by this Section to reflect such information.

3 (c) Appeal. (i) If the school official does not take timely and effective
4 action pursuant to this Section, the student, parent, or school employee may
5 report the bullying incident to the city, parish, or other local school board or
6 local school governing authority. The school board or school governing
7 authority shall begin an investigation of any complaint that is properly reported
8 and that alleges conduct prohibited in this Section the next business day during
9 which school is in session after the report is received by a school board or
10 governing authority official.

11 (ii) If the school board does not take timely and effective action, the
12 student, parent, or other school employee may report the bullying incident to
13 the state Department of Education. The department shall track the number of
14 reports, shall notify in writing the superintendent and the president of the
15 school's governing authority, and shall publish the number of reports by school
16 district or governing authority on its website. The department shall provide
17 both the number of actual reports received and the number of reports received
18 by affected student.

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

21 (d) Parental Notification.

22 (i) Upon receiving a report of bullying, the school official shall notify the
23 student's parent or legal guardian according to the definition of notice created
24 by the state Department of Education.

25 (ii) Under no circumstances shall the delivery of the notice to the parent
26 or legal guardian, which is required by this Subsection, be the responsibility of
27 an involved student. Delivery of the notice by an involved student shall not
28 constitute notice as is required pursuant to this Subsection.

29 (iii) Before any student under the age of eighteen is interviewed, his
30 parent or legal guardian shall be notified by the school official of the allegations

1 made and shall have the opportunity to attend any interviews with their child
2 conducted as part of the investigation.

3 (iv) The State Board of Elementary and Secondary Education, in
4 collaboration with the state Department of Education, shall develop a
5 procedure for meetings with the parent or legal guardian of the victim and the
6 parent or legal guardian of the alleged perpetrator. This procedure shall
7 include:

8 (aa) Separate meetings with the parents or legal guardians of the victim
9 and the parents or legal guardians of the alleged perpetrator.

10 (bb) Notification of parents or legal guardians of the victim and of the
11 alleged perpetrator of the available potential consequences, penalties, and
12 counseling options.

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

23 (e) Disciplinary Action. If the school has received a report of bullying,
24 has determined that an act of bullying has occurred, and after meeting with the
25 parent or legal guardian of the students involved, the school official shall:

26 (i) Take prompt and appropriate disciplinary action, pursuant to R.S.
27 17:416 and 416.1, against the student that the school official determines has
28 engaged in conduct which constitutes bullying, if appropriate.

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

30 (f) Parental Relief. (i) If a parent, legal guardian, teacher, or other school

1 official has made four or more reports of separate instances of bullying, as
2 provided in Paragraph (2) of this Subsection, and no investigation pursuant to
3 Paragraph (3) of this Subsection has occurred, the parent or legal guardian with
4 responsibility for decisions regarding the education of the victim about whom
5 the report or reports have been made may exercise an option to have the
6 student enroll in or attend another school operated by the governing authority
7 of the public elementary or secondary school in which the student was enrolled
8 on the dates when at least three of the reports were submitted.

9 (ii) The parent shall file a request with the superintendent for the
10 transfer of the student to another school under the governing authority's
11 jurisdiction.

12 (iii) The governing authority of the public elementary or secondary
13 school in which the student is enrolled shall make a seat available at another
14 public elementary or secondary school under its jurisdiction within ten school
15 days of the parent or legal guardian's request for a transfer. If the governing
16 authority has no other school under its jurisdiction serving the grade level of the
17 victim, within fifteen school days of receiving the request, the superintendent
18 or director of the governing authority shall:

19 (aa) Inform the student and his parent or legal guardian and facilitate
20 the student's enrollment in a statewide virtual school.

21 (bb) Offer the student a placement in a full-time virtual program or
22 virtual school under the jurisdiction of the school's governing authority.

23 (cc) Enter into a memorandum of understanding with the superintendent
24 or director of another governing authority to secure a placement and provide
25 for the transfer of the student to a school serving the grade level of the victim
26 under the jurisdiction of the governing authority, pursuant to R.S. 17:105 and
27 105.1.

28 (iv) If no seat or other placement pursuant to Item (iii) of this
29 Subparagraph is made available within thirty calendar days of the receipt by
30 the superintendent of the request, the parent or legal guardian may request a

1 hearing with the school's governing authority, which shall be public or private
 2 at the option of the parent or legal guardian. The school's governing authority
 3 shall grant the hearing at the next scheduled meeting or within sixty calendar
 4 days, whichever is sooner.

5 (v) At the end of any school year, the parent or legal guardian may make
 6 a request to the governing authority of the school at which the student was
 7 enrolled when at least three of the reports were filed to transfer the student
 8 back to the school. The governing authority shall make a seat available at the
 9 school at which the student was originally enrolled. No other schools shall
 10 qualify for transfer under this Subparagraph.

11 (g) Documentation. (i) The state Department of Education shall develop
 12 a behavior incidence checklist that the governing authority of each public elementary
 13 and secondary school shall use to document the details of each reported incident of
 14 ~~harassment, intimidation, and bullying, including cyberbullying.~~

15 ~~(b)~~(ii) The governing authority of each public elementary and secondary
 16 school shall report all such documented incidences of ~~harassment, intimidation, and~~
 17 ~~bullying, including cyberbullying,~~ to the state Department of Education as
 18 prescribed in rules adopted by the State Board of Elementary and Secondary
 19 Education in accordance with the Administrative Procedure Act and documented
 20 incidents in reports received by the local superintendent of schools pursuant to
 21 R.S. 17:415.

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

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

29 (bb) Promptly notify the complainant of the findings of the investigation
 30 and that remedial action has been taken, if such release of information does not

1 violate the law.

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

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

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

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

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

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

25 G. Preclusion. (1) This Section shall not be interpreted to prevent a
26 victim of bullying, or his parent or legal guardian, from seeking redress under
27 any other available law, either civil or criminal.

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

30 H. Construction; equal protection. All students subject to the provisions

1 of this Section shall be protected equally and without regard to the subject
2 matter or the motivating animus of the bullying.

3 * * *

4 §416.20. Student conduct standards; awareness and understanding by students;
5 required orientation; guidelines

6 A. In addition to any other requirements established by law, rule, or
7 regulation relative to student discipline and conduct ~~and beginning with the~~
8 ~~2008-2009 school year and continuing thereafter~~, the governing authority of a public
9 elementary or secondary school shall require that every student be provided an
10 orientation during the first five days of each school year regarding school
11 disciplinary rules and provisions of the code of student conduct applicable to such
12 students, **including but not limited to the policy on bullying as provided in R.S.**
13 **17:416.13.** Orientation instruction shall be provided by the school principal or his
14 designees and shall include but not be limited to consequences for failing to comply
15 with such school disciplinary rules and code requirements, **including suspension,**
16 **expulsion, the possibility of suspension of a student's driver's license for one**
17 **year as provided in R.S. 17:416.1, and the possible criminal consequences of**
18 **violent acts committed on school property, at a school-sponsored function, or**
19 **in a firearm-free zone.** The orientation also shall clearly communicate to students
20 the rights afforded teachers pursuant to R.S. 17:416.18 and other applicable law
21 relative to the discipline of students.

22 * * *

23 §3996. Charter schools; exemptions; requirements

24 * * *

25 B. Notwithstanding any state law, rule, or regulation to the contrary and
26 except as may be otherwise specifically provided for in an approved charter, a
27 charter school established and operated in accordance with the provisions of this
28 Chapter and its approved charter and the school's officers and employees shall be
29 exempt from all statutory mandates or other statutory requirements that are
30 applicable to public schools and to public school officers and employees except for

1 the following laws otherwise applicable to public schools with the same grades:

2 * * *

3 **(30) Procedures on bullying pursuant to R.S. 17:416.13.**

4 Section 3. The legislature finds all of the following:

5 (1) According to Article VIII, Section 1 of the Constitution of Louisiana, it is the
6 role of the legislature to provide for the education of the people of this state and to establish
7 and maintain a public education system.

8 (2) A safe and civil environment in school is necessary for students to learn and
9 achieve high academic success. Bullying and other disruptive or violent behavior is conduct
10 that disrupts both a student's ability to learn and a school's ability to educate its students.

11 Section 4. The purpose of this Act is to ensure that all school districts have and
12 maintain a uniform policy to provide equal protection, for all Louisiana public school
13 students, against bullying.

14 Section 5. This Act shall be known as the "Tesa Middlebrook Anti-Bullying Act."

15 Section 6. R.S. 17:416.14 is hereby repealed in its entirety.

16 Section 7. This Act shall become effective upon signature by the governor or, if not
17 signed by the governor, upon expiration of the time for bills to become law without signature
18 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
19 vetoed by the governor and subsequently approved by the legislature, this Act shall become
20 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____