

Regular Session, 2001

ACT No. 230

HOUSE BILL NO. 364

BY REPRESENTATIVES DAMICO AND TOOMY

AN ACT

To amend and reenact R.S. 17:416.13 and to enact R.S. 17:416.15, relative to student discipline policies; to require local school boards to adopt policies prohibiting harassment, intimidation, and bullying by students; to provide for definitions; to provide relative to certain immunity for students, employees, and volunteers who report incidents of harassment, intimidation, or bullying; to provide exemptions; to authorize local school boards to adopt and implement certain zero tolerance policies; to authorize the inclusion of certain requirements in such policies; to authorize local school boards to charge fees relative to such requirements; to provide limitations; to provide relative to compliance; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:416.13 is hereby amended and reenacted and R.S. 17:416.15 is hereby enacted to read as follows:

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

A. By not later than August 1, 1999, each city, ~~and~~ parish, and other local public school board shall adopt a student code of conduct for the students in its school system. Such code of conduct shall be in compliance with all existing rules, regulations, and policies of the 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 against any student who violates the code of conduct.

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

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

(a) 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

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

(3) Any student, school employee, or school volunteer who in good faith reports an incident of harassment, intimidation, or bullying

to the appropriate school official in accordance with the procedures established by local board policy shall be immune from a right of action for damages arising from any failure to remedy the reported incident.

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

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§416.15. Zero tolerance policies; authorization; conflict resolution classes; fees; compliance

Any city, parish, or other local public school board may adopt and implement a zero tolerance policy for fighting in the schools under its jurisdiction. Such policy may include a requirement that a student who is disciplined pursuant to the policy and such student's parent or parents shall attend a conflict resolution class or classes and may include provisions for the school board to take appropriate action, as determined by the board, against any student or parent who fails to comply with the class attendance requirement. Such classes may be provided by the school board or other appropriate provider as determined by the board. Any city, parish, or other local public school board may charge a fee for such attendance in an amount as may be determined by the board. However, such fee amount shall not exceed one hundred dollars.

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided in Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and

subsequently approved by the legislature, this Act shall become effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____