

Regular Session, 2008

HOUSE BILL NO. 674

BY REPRESENTATIVES LEGER, ARNOLD, ELBERT GUILLORY, ROSALIND JONES, LAFONTA, MARCHAND, MORRELL, AND PATRICIA SMITH AND SENATORS DUPLESSIS, B. GAUTREAUX, AND MURRAY

STUDENTS: Relative to public school policies prohibiting the harassment, intimidation, and bullying of a student by another student, further defines such terms as acts motivated by certain specified characteristics

1 AN ACT

2 To amend and reenact R.S. 17:416.13(B), relative to student codes of conduct; to provide
3 relative to public school policies prohibiting the harassment, intimidation, and
4 bullying of a student by another student; to broaden the definition of what constitutes
5 harassment, intimidation, and bullying; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 17:416.13(B) is hereby amended and reenacted to read as follows:

8 §416.13. Student code of conduct; requirement; harassment, intimidation, and
9 bullying; prohibition; exemptions

10 * * *

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

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

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

3 ~~(3)~~ For the purposes of this Subsection, the terms "harassment",
4 "intimidation", and "bullying" also shall mean any gesture or written, verbal, or
5 physical act by a student directed at another student occurring on school property,
6 on a school bus, or at a school-sponsored event that is reasonably perceived as being
7 motivated by any actual or perceived characteristic, such as race, color, religion,
8 ancestry, national origin, sexual orientation, gender, mental disability, physical
9 characteristic, political persuasion, and physical disability, as well as attire or
10 association with others identified by such categories.

11 ~~(3)~~ (4) Any student, school employee, or school volunteer who in good faith
12 reports an incident of harassment, intimidation, or bullying to the appropriate school
13 official in accordance with the procedures established by local board policy shall be
14 immune from a right of action for damages arising from any failure to remedy the
15 reported incident.

16 ~~(4)~~ (5) The provisions of this Subsection shall not apply to the parishes of
17 Livingston, East Baton Rouge, East Feliciana, West Feliciana, St. Helena, and
18 Tangipahoa.

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)]

Leger

HB No. 674

Abstract: Relative to public school policies prohibiting harassment, intimidation, and bullying of students by students, further defines such terms as including certain acts motivated by characteristics such as race, color, religion, ancestry, national origin, sexual orientation, gender, mental disability, physical characteristic, political persuasion, and physical disability.

Present law requires each city, parish, and other local 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. Provides that any student, school employee, or school volunteer who in good faith reports such an incident to the appropriate school official in accordance with the procedures established by school board policy shall be immune from a right of action for damages arising from any failure to remedy the reported incident. Excepts the parishes of Livingston, East Baton Rouge, East Feliciana,

West Feliciana, St. Helena, and Tangipahoa. 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 retains present law and further defines such terms as any such act by a student directed at another student occurring on school property, on a school bus, or at a school-sponsored event that is reasonably perceived as being motivated by any actual or perceived characteristic such as race, color, religion, ancestry, national origin, sexual orientation, gender, mental disability, physical characteristic, political persuasion, and physical disability, as well as attire or association with others identified by such categories.

(Amends R.S. 17:416.13(B))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Education to the original bill.

1. Relative to proposed law listing of exemplars of actual or perceived characteristics, adds physical characteristics and political persuasion.