Regular Session, 2011

HOUSE BILL NO. 112

BY REPRESENTATIVE AUSTIN BADON

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

STUDENTS: Provides relative to public school policies prohibiting the harassment, intimidation, and bullying of a student by another student

AN ACT

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

Be it enacted by the Legislature of Louisiana:

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

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

* * *

B.(1) ~~By not later than August 1, 2001, each~~ 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 either of the following:

(a) ~~A~~ Any intentional gesture or written, verbal, or physical act that a reasonable person under the circumstances should know will have the effect of

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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~~ which is so severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for a student.

(b) Any gesture or written, verbal, or physical 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, gender identity or expression, physical characteristic, political persuasion, mental disability, or physical disability, as well as attire or association with others identified by such categories.

(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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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)]

Austin Badon HB No. 112

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, gender identity or expression, physical characteristic, political persuasion, mental disability, and physical disability as well as attire or association with others identified by such categories.

Present law (R.S. 17:416.13(B)) requires each city, parish, and other local public school board to adopt and incorporate into its student code of conduct a policy prohibiting the

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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 (R.S. 17:416.13(B)) retains present law except to delete the exception for the six specified parishes. Also further defines the terms "harassment", "intimidation", and "bullying" to include any gesture or written, verbal, or physical 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, gender identity or expression, physical characteristic, political persuasion, mental disability, and physical disability, as well as attire or association with others identified by such categories.

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

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