



IN BRIEF: 17:416.13

# BULLYING AND SCHOOL RESPONSIBILITIES

## Bullying

1. A ***pattern of any one or more of the following*** that is exhibited toward a student by another student/group of students or is received by a student while on school property, at a school-sponsored activity, in any school bus/van, at any designated school bus stop, or in any other school or private vehicle used to transport students to and from schools/school events:
  - ***Gestures*** – including obscene and making faces;
  - ***Written, Electronic, or Verbal Communications*** – such as calling names, threatening harm, taunting, malicious teasing, or spreading untrue rumors; communications include but is not limited to email, instant/text message, blog, or social media;
  - ***Physical Acts*** – such as hitting, kicking, pushing, tripping, choking, damaging personal property, or unauthorized use of personal property; and,
  - Repeatedly and purposefully ***shunning*** or ***excluding*** from activities.
2. The ***pattern of behavior must have the effect of:***
  - Physically harming a student/reasonable fear of physical harm, damaging a student's property/reasonable fear of property damage, or must be sufficiently severe, persistent, and pervasive enough to either create an intimidating or threatening educational environment, substantially interfere with a student's performance in school, or substantially disrupt the orderly operation of the school.

## Student Code of Conduct, Anti-Bullying Policy, Training, & Notice Requirements

**Policy:** Every school must develop and integrate into the student code of conduct an anti-bullying policy that must:

- Include the bullying definition; be regularly reviewed and amended as necessary; implemented throughout the school year; and is, integrated into the school's curriculum, discipline policies, and other violence prevention efforts.

**Staff Training:** Every school must develop and implement *4 hours of training for new staff and 2 hours of training for all staff every year thereafter* to include:

- Recognizing bullying behavior; identifying likely victims; use of appropriate interventions; procedures to properly report bullying incidents; and, information on suicide preventions.

**Student/Parent Notice:** Within the *first 5 days of school* (R.S. 17:416.20), students must be informed, orally and in writing, of the anti-bullying policy, the nature and consequences of such actions, including potential criminal consequences and loss of driver's license (R.S. 17:416.1), and the proper process and procedure for reporting any bullying incidents.

- A copy of the written notice must also be delivered to each student's parent/legal guardian.

## Bullying Report/Process Requirements

**Report Forms:** Every school must develop a procedure and form for reporting bullying incidents that includes the purposes of bullying reports and an affirmation of truth statement.

- Sample forms can be found on the Louisiana Department of Education's website at <http://www.louisianabelieves.com/schools/public-schools/bullying>.

**Student Bullying Reports:** Any student who believes that he has been, or is currently, the victim of bullying, or any student/parent/guardian who witnesses bullying or has good reason to believe bullying is taking place, may report the situation to a school official (or teacher, counselor, other school employee, or to any parent chaperoning/supervising a school function or activity).

- Any report of bullying must remain confidential.

**Staff Bullying Reports:** Any teacher, counselor, bus driver, other school employee, or parent chaperoning/supervising a school function who witnesses bullying or learns of bullying must report the incident to a school official.

- A *verbal report* must be submitted by the school employee/parent on the same day the incident is witnessed/learned of; and, a *written report* must be filed within 2 days thereafter.

## Bullying Investigations

**Procedure:** Once a school official receives a bullying complaint, an investigation must be launched by the following school day, and must be completed within 10 days. Investigations must include an interview of the reporter, the victim, the alleged bully, witnesses, and any evidence thereof.

- If the school official does not take timely and effective action, the incident may be reported

**Parent Notification:** Upon receiving a bullying report, the school official must notify the student's parent/guardian (noticed cannot be delivered to the parent/guardian via an involved student).

- Before minor students can be interviewed, the parent/guardian must first be notified and given the opportunity to attend any interviews. If, after 3 attempts in a 48-hour period, the parent/guardian cannot be reached or does not respond, the student may be interviewed.

**Student Interviews/Meetings:** Any investigative meetings with the victim and alleged perpetrator (and their parents/guardians) must be conducted separately.

- Parents/Guardians must also be notified of the available potential consequences, penalties, and counseling options.

**Disciplinary Action:** If after a proper investigation, the school has concluded that an act of bullying has occurred, and after meeting with the students' parents/guardians, the school official must take prompt and appropriate disciplinary action, including reporting of any criminal conduct to law enforcement, if appropriate.

**Documentation:** Each school must report all documented incidences of bullying to LDE.

- The school must compose a written document containing the findings of the investigation, including input from the students' parents/guardians, and the decision by the school official. This documentation must be kept in the school records for every student involved in the incident.
- The school must also notify the person who originally filed the bullying complaint of the investigation findings and that remedial action has been taken, as long as the release of that information does not violate the law.
  - Complaints and investigative reports are to be kept confidential, except as provided by state and federal law.
- Bullying complaints and investigative reports are to be *kept for 3 years*.

## More Information

- R.S. 17:416.13: <http://www.legis.la.gov/Legis/Law.aspx?d=81029>
- R.S. 17:416.20: <http://www.legis.la.gov/Legis/Law.aspx?d=631006>
- R.S. 17:416.1: <http://www.legis.la.gov/Legis/Law.aspx?d=81025>

**Please note:** LAPCS In Briefs are merely reference guides that summarize the law and are not legal advice. LAPCS strongly encourages all charter schools to read laws and policies in full and to always check with your school's attorney and authorizer.

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