

Louisiana Believes

Act 861 of 2012



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Summary

Act 861 of the 2012 Regular Legislative Session required the LDOE, in collaboration with BESE, to develop procedures and regulations with regard to the proper reporting and investigating of an incident of bullying. These procedures include but are not limited to adoption of BESE-approved forms for reporting and investigating incidences of alleged bullying, proper parental notification, and mandatory orientation provided to faculty/staff/students/parents. It also provides parents/legal guardians the right to appeal when a timely and effective investigation has not been conducted.

Louisiana Department of Education Responsibilities

1. Develop rules, regulations, and procedures for the implementation of Act 861 of 2012
2. Develop a form for the purpose of reporting bullying for use by students, school staff, and parents
3. Develop procedures for investigation into a reported incident of bullying
4. Post and track any complaints received at the Department on the LDOE website

LEA Responsibilities

1. Develop and implement school staff orientation and mandated 4 hours of training to include:
 - How to recognize bullying behavior
 - How to identify those most likely to become victims
 - How to use appropriate interventions for bullying
 - Procedures for properly reporting an incident of bullying
 - Information on suicide preventions, including the relationship between suicide risk factors and bullying
 - Use content that is based on information supported by peer-reviewed research

LEA Responsibilities

2. By no later than January 1, 2013, review and revise, if necessary, the Student Code of Conduct to address:
 - Definition of and the behavior constituting bullying
 - The effect the behavior has on others
 - The disciplinary and criminal consequences of bullying another student
 - Disciplinary consequences for false reporting of a bullying incident

3. Develop and integrate into the Student Code of Conduct a Bullying Policy that:
 - Includes the definition of bullying
 - Is implemented in an ongoing manner throughout the school year
 - Integrated into the school's curriculum, discipline policies, and other violence prevention efforts

LEA Responsibilities

4. As required under R.S. 17:416.20, students should be informed orally and in writing at the orientation to be conducted within the first five days of school of the prohibition against bullying including:
 - The definition of and the behavior constituting bullying
 - The consequences of bullying another student
 - The proper procedures for reporting an incident of bullying to the school

5. A copy of the written notice must be delivered to each student's parents or legal guardians.

School/Principal/Designee Responsibilities

REPORTING

1. The principal of each school must publicize the procedure of reporting a bullying incident and establish how this report will be acted upon.
2. The principal or principal's designee is responsible for receiving complaints alleging violations of the bullying policy.

School/Principal/Designee Responsibilities

Bullying Investigation

1. The principal/designee will initiate an investigation into the bullying incident no later than the next business day during which school is in session.
2. Documented interviews of the reporter, victim, alleged offender, and witnesses must be conducted privately, separately, and confidentially.
3. The principal/designee must notify the parent/legal guardian of a student involved in a bullying incident (whether victim, alleged offender, or witness) the same day the investigation is initiated and before the student can be interviewed. The parent must have the opportunity to attend any interviews with his child conducted as a part of the investigation.

School/Principal/Designee Responsibilities

Bullying Investigation

4. The principal/designee will follow the procedures for investigating bullying by gathering information via the “Bullying Investigation Form”.
5. The investigation of a bullying report must be complete no later than 10 school days after the date the written report is received.
6. The principal/designee will make a determination whether the act of bullying falls within the scope of the LEA and will take appropriate action as determined by the investigation.

School/Principal/Designee Responsibilities

Findings of Bullying Investigation

1. The principal/designee will compose a written document containing the findings of the investigation and the decision by the school
2. The principal/designee will promptly notify the complainant of the findings of the investigation and that remedial action has been taken, is such release of information does not violate the law.
3. The document outlining the findings of the investigation will be placed in the record of both students.
4. All complaints and investigative documents must be kept for three years.

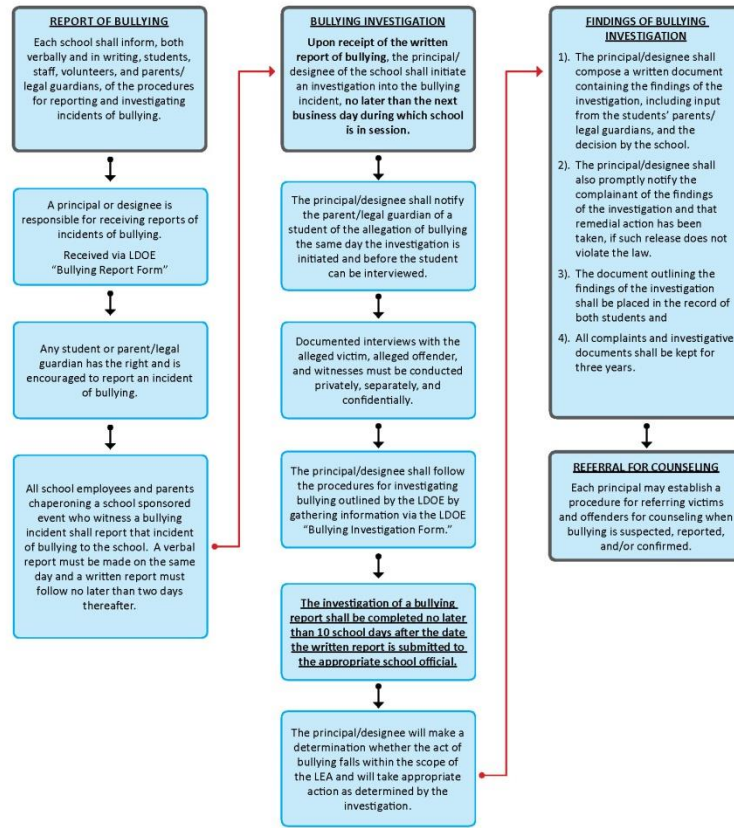
Principal/Designee Responsibilities Flowchart

Principal/Designee Responsibilities Flowchart Disposition at the School Level

This chart may be used by a principal or his/her designee to meet the procedural requirements of Act 861. It is recommended that this chart be used as a “cheat sheet” to uphold the timeliness and integrity of the investigation into an act of bullying. This chart is available on the LDOE website.



PRINCIPAL/DESIGNEE RESPONSIBILITIES FLOWCHART Procedures for Implementing Act 861 of 2012 Bullying Prevention (Disposition at the School Level)



Parental Rights

Notification

1. Parents/legal guardians must receive a written copy of the school's policy prohibiting bullying.
2. If his/her child is involved in a report of bullying, whether reporter, victim, alleged offender, or witness, the parent/legal guardian must be informed on the same day the investigation is initiated.

*****Notification must be consistent with the student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA)**

Parental Rights

Notification

3. Any parent/legal guardian whose child is involved in a report of bullying must have the opportunity to attend any interviews with their child conducted as a part of the investigation
4. Any parent/legal guardian whose child was involved in an incident of bullying must be informed of the outcome of the investigation regardless of the decision made by the school.

*****Notification must be consistent with the student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA)**

Parental Rights

Appeal/Parental Relief

1. The parents/legal guardians of a bullied student may request a transfer to another school if a parent, legal guardian, teacher, or other school official has made four or more reports of separate instances of bullying and no investigation has occurred.
2. The LEA must make a space available for the student at another public school under its jurisdiction within ten days of the transfer request.
3. If no other school that serves the bullied student's grade is available, within fifteen days of the transfer request, the superintendent or head of the LEA must facilitate the student's enrollment in a statewide virtual school or offer placement in a full-time virtual program or virtual school.

Parental Rights

Appeal/Parental Relief

4. The LEA may enter into a memorandum of understanding with another LEA to secure placement and transfer for the bullied student.
5. If none of the aforementioned options are made available within 30 days of the transfer request, the parent/legal guardian may request a hearing with the school's governing authority.
6. The parents/legal guardians may request at the end of the school year that the student be transferred back to the school in which the student was enrolled when at least three of the bullying reports were made.
7. The LEA must make space available for the student at the school where the student was originally enrolled. No other school will qualify for the transfer back.