

## BULLYING AND HAZING

The Livingston Parish School Board is committed to maintaining a safe, orderly, civil and positive learning environment so that no student is subject to bullying, hazing, or similar behavior while in school or participating in school-related activities. Students and their parents or legal guardians shall be notified that the school, school bus, and all other school environments are to be safe and secure for all. Therefore, all statements or actions of bullying, hazing, or similar behavior made on campus, at school-sponsored activities, or events, on school buses, at school bus stops, and on the way to and from school shall not be tolerated. Even if made in a joking manner, these statements or actions of bullying, hazing, or similar behavior towards other students or school personnel shall be unacceptable.

All students, teachers, and other school employees shall take responsible measures within the scope of their individual authority to prevent violations of this policy.

### BULLYING

*Bullying* shall mean:

1. A pattern of any one or more of the following:
  - A. Gestures, including but not limited to obscene gestures and making faces.
  - B. Written, electronic, or verbal communications, including but not limited to calling names, threatening harm, taunting, malicious teasing, or spreading untrue rumors. *Electronic communication* includes but is not limited to a communication or image transmitted by email, instant message, text message, blog, or social networking website through the use of a telephone, mobile phone, pager, computer, or other electronic device.
  - C. Physical acts, including but not limited to hitting, kicking, pushing, tripping, choking, damaging personal property, or unauthorized use of personal property.
  - D. Repeatedly and purposefully shunning or excluding from activities.
2. Where the pattern of behavior as enumerated above is exhibited toward a student, more than once, by another student or group of students and occurs, or is received by, a student while on school property, at a school-sponsored or school-related function or activity, at any designated school bus stop, in any other school bus or any other school or private vehicle used to transport students to and from schools, or any school-sponsored activity or event.

3. The pattern of behavior as provided above shall have the effect of physically harming a student, placing the student in reasonable fear of physical harm, damaging a student's property, placing the student in reasonable fear of damage to the student's property, or shall be sufficiently severe, persistent, and pervasive enough to either create an intimidating or threatening educational environment, have the effect of substantially interfering with a student's performance in school, or have the effect of substantially disrupting the orderly operation of the school.

Each elementary and secondary school shall institute a program to prohibit and prevent bullying. The program shall:

1. Define bullying as provided above.
2. Ensure each student, each student's parent or legal guardian, and each school administrator, teacher, counselor, bus operator, school employee, and volunteer is aware of his/her duties and responsibilities relative to preventing and stopping bullying.
3. Provide for a process for reporting and investigating alleged incidents of bullying.
4. Provide for appropriate discipline of a student found guilty of bullying.
5. Provide for appropriate remedies for a student found to have been bullied.
6. Provide for procedures for investigating and reporting each school administrator, teacher, counselor, bus operator, and school employee for failure to act as provided.

### HAZING

*Hazing* shall mean any knowing behavior, whether by commission or omission, of any student to encourage, direct, order, or participate in any activity which subjects another student to potential physical, mental, or psychological harm for the purpose of initiation or admission into, affiliation with, continued membership in, or acceptance by existing members of any organization or extracurricular activity at a public elementary or secondary school, whether such behavior is planned or occurs on or off school property, including any school bus and school bus stop. Hazing does not mean any adult-directed and school-sanctioned athletic program practice or event or military training program.

Any solicitation to engage in hazing, and the aiding and abetting another person who engages in hazing shall be prohibited. The consent, stated or implied, of the hazing victim shall not be a defense in determining disciplinary action.

## NOTICE TO STUDENTS AND PARENTS

The School Board shall inform each student, orally and in writing, at the required orientation conducted at the beginning of each school year, of the prohibition against bullying, hazing, or similar behavior of a student by another student; the nature and consequences of such actions; including the potential criminal consequences and loss of driver's license, and the proper process and procedure for reporting any incidents involving such prohibited actions. A copy of the written notice shall also be delivered to each student's parent or legal guardian.

## REPORTING

The principal or his/her designee shall be authorized to receive complaints alleging violation of this policy. All employees, parents, volunteers, or any other school personnel shall report alleged violations to the principal or his/her designee. Any written or oral report of an act of bullying, hazing, or similar behavior shall be considered an official means of reporting such act(s). Complaints, reports, and investigative reports of bullying, hazing, or similar behavior shall remain *confidential*, with limited exception of state or federal law.

The reporting of incidents of bullying, hazing, or similar behavior shall be made on the *Bullying Report* form, which shall include an *affirmation of truth*. Any bullying, hazing, or similar behavior report submitted, regardless of recipient, shall use this form, but additional information may be provided. The form shall be available on the website of each public elementary and secondary school.

### Students and Parents

Any student who believes that he/she has been, or is currently, the victim of bullying, hazing, or similar behavior, or any student, or any parent or legal guardian, who witnesses bullying, hazing, or similar behavior or has good reason to believe bullying, hazing, or similar behavior is taking place, may report the situation to a school official, who in turn shall report the situation to the principal or his/her designee. A student, or parent or legal guardian, may also report concerns regarding bullying, hazing, or similar behavior to a teacher, counselor, other school employee, or to any chaperone supervising a school function or activity. Any report shall remain *confidential*.

### School Personnel

Any school employee, whether full- or part-time, and any chaperone supervising a school function or activity, who witnesses or learns of bullying, hazing, or similar behavior, immediately shall report the incident to the principal or his/her designee. Verbal reports shall be submitted by the employee or chaperone on the same day as the employee or chaperone witnessed or otherwise learned of the incident, and a written report shall be filed no later than two (2) days thereafter.

All other members of the school community, including students, parents or legal guardians, volunteers, and visitors shall be encouraged to report any act that may be a violation of this policy to the principal or his/her designee.

### False Reports

Intentionally making false reports about bullying, hazing, or similar behavior to school officials shall be prohibited conduct and shall result in appropriate disciplinary measures as determined by the School Board.

### INVESTIGATION PROCEDURE

Investigations of any reports of bullying, hazing, or similar behavior of a student shall be in accordance with the following:

1. Timing

The school shall begin an investigation of any complaint that is properly reported and that alleges the prohibited conduct the next business or school day after the report is received by the principal or his/her designee. The investigation shall be completed as expeditiously as possible, but not later than ten (10) school days after the date the written report of the incident is submitted to the principal or his/her designee. If additional information is received after the end of the ten-day period, the school principal or his/her designee shall amend all documents and reports required to reflect such information.

2. Scope of Investigation

An investigation shall include documented interviews of the reporter, the alleged victim, the alleged bully or offender, and any witnesses, and shall include obtaining oral, visual or written evidence, including, but not limited to statements, writings, recordings, electronic messages, and photographs. Interviews shall be conducted privately, separately, and confidentially. Unless necessary for the purpose of the investigation, the alleged offender and alleged victim shall not be interviewed together.

The principal or his/her designee shall collect and evaluate all facts using the *Bullying Investigation* form.

3. Parental Notification

Upon receiving a report of bullying, hazing, or similar behavior, the school shall notify the parent or legal guardian of each involved student no later than the following business or school day. Delivery of notice to the parents or legal guardians by an involved student shall **not** constitute the required parental notice.

Before any student under the age of eighteen (18) is interviewed, his/her parent or legal guardian shall be notified by the principal or his/her designee of the allegations made and shall have the opportunity to attend any interviews with their child conducted as part of the investigation.

All meetings with the parents or legal guardians of the alleged victim and the parents or legal guardians of the alleged perpetrator shall be in compliance with the following:

- A. Separate meetings shall be held with the parents or legal guardians of the alleged victim and the parents or legal guardians of the alleged perpetrator.
- B. Parents or legal guardians of the alleged victim and of the alleged perpetrator shall be informed of the potential consequences, penalties, and counseling options.

In any case where a teacher, principal, or other school employee is authorized to require the parent or legal guardian of a student who is under the age of eighteen (18) and not judicially emancipated or emancipated by marriage to attend a conference or meeting regarding the student's behavior and, after notice, the parent, or legal guardian willfully refuses to attend, the principal or his/her designee shall file a complaint, pursuant to Louisiana Children's Code, Article 730 or Article 731, with a court exercising juvenile jurisdiction. The principal may also file a complaint on the grounds the student is a truant or has willfully and repeatedly violated school rules, or any other applicable ground when, in his/her judgment, doing so is in the best interests of the student.

#### 4. Documentation

At the conclusion of an investigation of bullying, hazing, or similar behavior, and after meeting with the parents or legal guardians of each involved student, the principal or his/her designee or School Board shall:

- A. Prepare a written report containing the findings of the investigation, including input from the involved students' parents or legal guardians, and the decision by the principal or his/her designee or school system official. The document shall be placed in the school records of each involved student.
- B. Promptly notify the reporter/complainant of the findings of the investigation and whether remedial action has been taken, if such release of information does not violate the law.
- C. Keep reports/complaints and investigative reports confidential, except where disclosure is required to be made by applicable federal laws, rules,

or regulations or by state law.

- D. Maintain reports/complaints and investigative reports for three (3) years.
- E. As applicable, provide a copy of any reports and investigative documents to the School Board for disciplinary measures, or to the Louisiana Department of Education, as necessary.
- F. As applicable, provide a copy of any reports and investigative documents to the appropriate law enforcement officials.

During the pendency of an investigation, the school district may take immediate steps, at its discretion, to protect the alleged victim, students, teachers, administrators or other school personnel pending completion of the investigation.

### Handling Evidence

Whenever an employee/administrator receives notice of a bullying or hazing, or similar behavior, any physical evidence of the act/communication shall be secured in the building administrator's office with as little physical contact as possible. If the act/communication is in the form of graffiti, the area shall be sealed off by the building administrator. Photographs shall be taken as soon as possible. Student/public exposure shall be as minimal as possible. Graffiti shall not be removed until law enforcement has properly examined the area.

### APPEAL

If the school principal or his/her designee does not take timely and effective action in any bullying incident, the student, parent or legal guardian, or school employee may report, in writing, the incident to the School Board. The School Board shall begin an investigation of any properly reported complaint that alleges prohibited conduct the next business day during which school is in session after the report is received by the School Board.

If the School Board does not take timely and effective action, the student, parent or legal guardian, or other school employee may report any bullying incident to the Louisiana Department of Education.

### DISCIPLINARY ACTION

Once a report has been received at a school, and a school principal or his/her designee has determined that an act of bullying, hazing, or similar behavior has occurred, and after having met with the parent or legal guardian of the student involved, the principal or his/her designee, or applicable school official shall take prompt and appropriate disciplinary action against the student, and report criminal conduct to law enforcement. Counseling and/or other interventions may also be recommended.

Students may be disciplined for off-campus bullying, hazing, or similar behavior the same as if the improper conduct occurred on campus, if the actions of the offender substantially interfere with the education opportunities or educational programs of the student victim and/or adversely affects the ability of the student victim to participate in or benefit from the school's education programs or activities.

### PARENTAL RELIEF

If a parent, legal guardian, teacher, or other school official has made four (4) or more reports of separate instances of bullying, and no investigation pursuant to state law or this policy has occurred, the parent or legal guardian of the alleged victim may request that the student be transferred to another school operated by the School Board.

Such request shall be filed with the Superintendent. Upon receipt of the request to transfer the student to another school, the School Board shall make a seat available at another school under its jurisdiction within ten (10) school days of the parent or legal guardian's request for a transfer. If the School Board has no other school under its jurisdiction serving the grade level of the alleged victim, within fifteen (15) school days of receiving the request, the Superintendent shall:

1. Inform the student and his/her parent or legal guardian and facilitate the student's enrollment in a statewide virtual school.
2. Offer the student a placement in a full-time virtual program or virtual school under the School Board's jurisdiction.
3. Enter into a memorandum of understanding with the Superintendent or director of another governing authority to secure a placement and provide for the transfer of the student to a school serving the grade level of the student, in accordance with statutory provisions.

If no seat or other placement is made available within thirty (30) calendar days of the receipt of the request by the Superintendent, the parent or legal guardian may request a hearing with the School Board, which shall be public or private at the option of the parent or legal guardian. The School Board shall grant the hearing at the next scheduled meeting or within sixty (60) calendar days, whichever is sooner.

At the end of any school year, the parent or legal guardian may make a request to the School Board to transfer the student back to the original school. The School Board shall make a seat available at the original school that the student attended. No other schools shall qualify for transfer under this provision.

### FAILURE TO ACT

Any teacher, counselor, bus operator, administrator, or other school employee, whether

full- or part-time, who witnesses bullying or who receives a report of bullying from an alleged victim, and who fails to report the incident to a school official shall be investigated by the School Board. Upon finding a reasonable expectation that the individual failed to act, the School Board shall suspend the individual without pay. The length of the suspension shall be determined by the School Board based on the severity of the bullying inflicted on the victim. The School Board shall report each finding of a failure to report and the length of suspension issued to each employee who failed to report to the State Department of Education.

Any school administrator or official who fails to notify a parent or legal guardian of a report of bullying, timely investigate a report of bullying, take prompt and appropriate disciplinary action against a student that was determined to have engaged in bullying, or report criminal conduct to the appropriate law enforcement official shall be investigated by the School Board. Upon finding a reasonable expectation that the individual failed to act, the School Board shall suspend the individual without pay. The length of the suspension shall be determined by the School Board based on the severity of the bullying inflicted on the victim. The School Board shall report each finding of a failure to report bullying and the length of suspension issued to the employee who failed to report to the State Department of Education. The report shall be submitted by August first annually.

### TRAINING

The School Board shall provide a minimum of four (4) hours of training for all new employees who have contact with students and two (2) hours of training each subsequent year for all school employees who have contact with students, including bus operators, with respect to bullying, in accordance with state statutory provisions.

### RETALIATION

Retaliation against any person who reports bullying, hazing, or similar behavior in good faith, who is thought to have reported such conduct, who files a complaint, or who otherwise participates in an investigation or inquiry concerning allegations of bullying, hazing, or similar behavior is prohibited conduct and subject to disciplinary action.

### CHILD ABUSE

The provisions of this policy shall not be interpreted to conflict with or supersede the provisions requiring mandatory reporting pursuant to Louisiana Children's Code, Art. 609 and as enforced through La. Rev. Stat. Ann. §14:403.



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Ref: 20 USC 1232(g-i) (*Family Educational Rights and Privacy Act*); La. Rev. Stat. Ann. "14:40.3, 14:40.7, 14:40.8, 14:403, 17:105, 17:105.1, 17:183, 17:416, 17:416.1, 17:416.13, 17:416.14; La. Children's Code, Art. 609, 730, 731; Davis v. Monroe County Board of Education, 119 S. Ct. 1661 (1991); Board minutes, 9-16-04, 11-18-10, 1-10-13, 10-3-13, 8-1-19.