

CHECKLIST FOR DISTRICT IMPLEMENTATION ACT 861 OF THE 2012 LEGISLATIVE SESSION

This checklist is provided by the State Board of Elementary and Secondary Education (SBESE), in collaboration with the Louisiana Department of Education (LDOE), for optional use only by the governing authority of each public elementary and secondary school. Some districts may find it useful when creating or reviewing their plans to ensure that all provisions of Act 861 are included in their policies and procedures.

POLICY REQUIREMENT	Policy or Procedure Established	
	Yes	No
<i>The governing authority of each public elementary and secondary school shall adopt, and incorporate into the student code of conduct a policy prohibiting bullying of a student by another student.</i>		
Adopt a policy against bullying (See Act 861 for complete definition) on school property, at a school-sponsored or school-related function or activity, on a school bus or van, at any designated school bus stop, or in any other school or private vehicle used to transport students.		
Include the definition of bullying (Section C, Act 861).		
Address behavior constituting bullying.		
Include the effect the behavior has on others, including bystanders.		
Include disciplinary and criminal consequences of bullying.		
Procedure to inform students of the bullying policy orally and in writing at the orientation required under R.S. 17:416.20.		
Provide written notice to parents/legal guardians about the bullying policy and the consequences.		

TRAINING AND PROFESSIONAL DEVELOPMENT	Policy or Procedure Established	
	Yes	No
<i>Create a program to provide a minimum of four hours of training each year for all school employees, including bus drivers, with respect to bullying. (Note: Act 861 does not specify how districts should organize the training)</i>		
1. How to recognize behaviors defined as bullying.		
2. How to identify students at each grade level who are most likely to become victims of bullying, while not excluding any student from protection from bullying.		
3. How to use appropriate intervention and remediation techniques and procedures.		
4. Procedure by which incidents of bullying are to be reported to school officials.		
5. Information on suicide prevention, including the relationship between suicide risk factors and bullying.		

REPORTING PROCEDURES	Policy or Procedure Established	
	Yes	No
<i>The governing authority of each public elementary and secondary school shall develop a procedure for reporting bullying incidents.</i>		
The Louisiana Department of Education Bullying Reporting Form must be used for the purposes of reporting bullying.		
Form must be used for any bullying report submitted regardless of recipient. Additional information may be provided as needed.		
Any student who believes that he/she has been or is currently the victim of bullying, or has good reason to believe bullying is taking place, may report the situation to a school official.		
A student, or parent/guardian, may report concerns regarding bullying to a teacher, counselor, or other school employee, or to any parent chaperoning or supervising a school function or activity.		
Reports of bullying must be kept confidential.		
A verbal report must be submitted by the school employee or parent on the same day as the bullying incident is witnessed or otherwise learned about.		

REPORTING PROCEDURES <i>The governing authority of each public elementary and secondary school shall develop a procedure for reporting bullying incidents.</i>	Policy or Procedure Established	
	Yes	No
A written report must be filed no later than two days after the bullying incident.		
A teacher, counselor, bus driver, or other school employee, (full or part-time) or parent chaperoning or supervising a school function or activity who witnesses bullying or who learns of bullying must report the incident to a school official.		
Intentionally making false reports to school officials is prohibited and is subject to disciplinary actions.		
Retaliation against any person who reports bullying in good faith is prohibited. School and district resources may not be used to prohibit or dissuade any person from reporting a bullying incident.		

INVESTIGATION OF BULLYING	Policy or Procedure Established	
	Yes	No
An investigation of bullying will include an interview with the reporter, the victim, the alleged bully, and witnesses, if applicable. Copies or photographs of any physical evidence will be reviewed as part of the investigation.		
An investigation of any properly reported complaint will begin the next business day during which school is in session.		
The investigation must be completed no later than ten school days after the date the written report of the incident is submitted to the appropriate school official.		
School principal/designee must amend all required bullying documents and reports to reflect information received after the end of the ten day period.		

APPEAL	Policy or Procedure Established	
	Yes	No
A student, parent, or school employee may report a bullying incident to the city, parish, or other local school board or local governing authority if the school official does not take timely and effective action.		
The school board or school governing authority must begin an investigation of any properly reported bullying incident the next business day.		
A student, parent, or school employee may report the bullying incident to the Louisiana Department of Education if the school board does not take timely and effective action.		

PARENTAL NOTIFICATION <i>Upon receiving a report of bullying, notify the student's parent or legal guardian. The school official must follow the notification procedure established by the Louisiana Department of Education.</i>	Policy or Procedure Established	
	Yes	No
The notice to the parent or legal guardian must not be the responsibility of the involved student.		
A notice of bullying delivered by an involved student does not constitute a notice as required by Act 861 of the 2012 Regular Session of the Legislature.		
Notify the parent or legal guardian of any student under the age of eighteen before an interview is conducted.		
The parent or legal guardian must be given the opportunity to attend the interview with student as part of the investigation.		

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DISCIPLINARY ACTIONS	Policy or Procedure Established	
	Yes	No
Take prompt and appropriate disciplinary action pursuant to R.S. 17:416 and 416.1, if a determination is made that an act of bullying has occurred.		
Report criminal conduct to law enforcement.		

PARENTAL RELIEF <i>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, the parent/legal guardian may request a transfer of the student to another school operated by the governing authority of the school in which the student was enrolled when at least three of the reports were submitted.</i>	Policy or Procedure Established	
	Yes	No
The school district must make space available for the student at another public elementary or secondary school under its jurisdiction.		
If no school is available at the student's grade within fifteen days of the transfer request, facilitate the student's enrollment in a statewide virtual school or offer the student placement in a full-time virtual program or virtual school.		
Enter into a memorandum of understanding with another school district to secure placement and transfer for the bullied student.		
If none of the options above are available to the student within thirty days after the transfer request is made, the parent or legal guardian may request a hearing with the school's governing authority.		
Hearing must be granted for the next scheduled meeting or within sixty calendar days, whichever is sooner.		
Parent or legal guardian may request at the end of any school year that the student be transferred back to the school in which s/he was enrolled when at least three of the bullying reports were made.		
Make space available for the student at the school where the student was originally enrolled. No other school will qualify for the transfer back.		

DISCIPLINARY REPORTS	Policy or Procedure Established	
	Yes	No
Prepare a written document containing the findings of the bullying investigation, including input from the students' parents or legal guardian, and decision made by the school or school system official.		
Keep complaints and investigative reports confidential, except where disclosure is required pursuant to 20 U.S.C. 1232g or by other applicable federal laws, rules, regulations, or by state law.		
Maintain complaints and investigative reports for three years.		
Provide a copy of any reports and investigative documents, as applicable, to the State Department of Education.		