

2016 Regular Session

HOUSE BILL NO. 1017

BY REPRESENTATIVE NORTON

CHILDREN: Creates the Bullying Awareness and Treatment Task Force

1 AN ACT

2 To enact Chapter 12 of Title 28 of the Louisiana Revised Statutes of 1950, to be comprised  
3 of R.S. 28:801 through 806, and R.S. 36:259(A), relative to bullying; to create the  
4 Louisiana Bullying Awareness and Treatment Task Force within the Department of  
5 Health and Hospitals; to provide for legislative purpose; to provide for membership,  
6 compensation, meetings, and domicile of the task force; to provide for powers and  
7 duties of the task force; to require an annual report to the legislature; to require  
8 cooperation by other state entities; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. Chapter 12 of Title 28 of the Louisiana Revised Statutes of 1950,  
11 comprised of R.S. 28:801 through 806, is hereby enacted to read as follows:

12 CHAPTER 12. BULLYING AWARENESS AND TREATMENT TASK FORCE

13 §801. Short title

14 This Chapter shall be known and may be cited as the "Louisiana Bullying  
15 Awareness and Treatment Act".

16 §802. Declaration of purpose

17 A. The legislature hereby recognizes all of the following:

18 (1) The children and youths of Louisiana represent the hope and future of  
19 Louisiana.

1           (2) It is imperative to protect and assist the children and youths of Louisiana  
2           if this state is to move forward and realize its potential in the future.

3           (3) Creating safe, healthy, and supportive environments with collaborative  
4           services is a necessary foundation for improving outcomes for all children.

5           (4) Bullying is aggressive behavior that is intentional and that involves an  
6           imbalance of power or strength.

7           (5) It is imperative to intervene with youths involved in bullying to provide  
8           psychological supports and address concerns that place youths at risk for bullying or  
9           bullying victimization.

10          (6) Mental health professionals have important roles in helping to change the  
11          behavior of youths who bully others.

12          (7) Once a youth is able to recognize problems with the bullying behavior,  
13          mental health professionals can help the youth set and work toward goals for change,  
14          help the youth track progress toward new behaviors, and feel pride about those  
15          changes.

16          (8) For some youths, bullying and other forms of social aggression are more  
17          related to impulsiveness and poor social skills than to an effort to control others. For  
18          these youths, cognitive-behavioral interventions, family systems interventions, and  
19          other treatment modalities to improve impulse control and structured social skills  
20          training may also be helpful.

21          B. The legislature declares, therefore, that it is the purpose of this Chapter  
22          to create the Louisiana Bullying Awareness and Treatment Task Force, to develop  
23          a comprehensive, coordinated plan to address the mental health needs of youths who  
24          are victims of bullying as well as youths who are involved in bullying, and to provide  
25          the needed guidance to carry out the goals the task force recommends.

1        §803. Task force; creation; appointments of members; terms; officers;  
2                    compensation; meetings; domicile

3                    A. The Louisiana Bullying Awareness and Treatment Task Force, hereafter  
4                    referred to as the "task force", is hereby created within the Department of Health and  
5                    Hospitals.

6                    B. The task force shall consist of the following members:

7                    (1) The secretary of the Department of Health and Hospitals or his designee.

8                    (2) The secretary of the Department of Children and Family Services or his  
9                    designee.

10                    (3) The executive director of the Louisiana chapter of the National  
11                    Association of Social Workers or his designee.

12                    (4) The president of the Louisiana Counseling Association or his designee.

13                    (5) The president of the Louisiana Association for Behavioral Health or his  
14                    designee.

15                    (6) The president of the Louisiana School Counselor Association or his  
16                    designee.

17                    (7) The president of the Louisiana Association of Marriage and Family  
18                    Therapy or his designee.

19                    (8) The deputy secretary of the Department of Public Safety and Corrections,  
20                    youth services, office of juvenile justice or his designee.

21                    (9) The commissioner of the Department of Revenue, office of alcohol and  
22                    tobacco control or his designee.

23                    (10) The state superintendent of education or his designee.

24                    (11) An education practitioner who has experience addressing the issue of  
25                    bullying, designated by the state superintendent of education.

26                    (12) Four parents or other members of the public who have demonstrated a  
27                    commitment to addressing the issue of bullying, designated pursuant to Subsection  
28                    C of this Section.

1           (13) Two elected members of the Louisiana House of Representatives  
2           appointed by the speaker of the House of Representatives.

3           (14) Two elected members of the Louisiana Senate appointed by the  
4           president of the Senate.

5           C. Each of the elected members of the Louisiana House of Representatives  
6           appointed by the speaker of the House of Representatives pursuant to Paragraph  
7           (B)(13) of this Section and the elected members of the Louisiana Senate appointed  
8           by the president of the Senate pursuant to Paragraph (B)(14) of this Section shall  
9           designate one of the parents or other members of the public provided for in  
10          Paragraph (B)(12) of this Section.

11          D. The secretary of the Department of Health and Hospitals, or his designee,  
12          shall serve as chairman of the committee.

13          E.(1) Except as provided in Paragraph (2) of this Subsection, members of the  
14          task force shall serve three-year terms. Each member of the task force shall hold  
15          office until the appointment and qualification of a successor. Whenever a vacancy  
16          occurs in a position, the vacancy shall be filled in the same manner and under the  
17          same terms and conditions as required for the original appointment.

18          (2) Each elected member of the legislature shall serve a term concurrent with  
19          that elected member's term in the legislature. Members who serve by virtue of their  
20          state government position or their designees shall serve terms concurrent with their  
21          office or concurrent with the term of office of their designating or appointing  
22          authority.

23          F. The task force shall convene for its first meeting no later than October 1,  
24          2016. At the first meeting of the task force, the members shall elect a vice chairman  
25          and other officers as they may deem appropriate.

26          G. All legislative members of the commission shall receive the same per  
27          diem and travel allowance for attending meetings of the task force or any meeting  
28          thereof as is normally provided for members of the legislature by their respective  
29          houses for attendance at legislative committee meetings.

1           H. Except as provided in Subsection G of this Section, members of the task  
2           force shall receive no compensation for their services and shall serve at no expense  
3           to the state.

4           I. The task force shall be domiciled in Baton Rouge but may hold public  
5           meetings elsewhere in the state.

6           J. Beginning with the third quarter of 2016, the task force shall meet at least  
7           once every quarter for a period of two years. After the initial two-year period, the  
8           task force shall meet at least once a year to review and make recommendations  
9           regarding the effectiveness of the policies adopted by the state to provide counseling  
10           and other treatment services pursuant to this Chapter. The task force shall meet at  
11           such times and at places as it may designate. The task force may also hold additional  
12           meetings upon the call of the chairman or at the request of at least three members of  
13           the task force. A majority of the task force shall constitute a quorum for the  
14           transaction of business. All official actions of the task force shall require the  
15           affirmative vote of a majority of the members.

16           §804. Powers and duties

17           A. The task force shall make a thorough study of the feasibility and  
18           practicality of providing counseling and other treatment services to youths who are  
19           victims of bullying as well as youths who are involved in bullying. It may render  
20           objective, fiscally feasible recommendations to the legislature for the implementation  
21           of policies that could be adopted by the state of Louisiana.

22           B.(1) With respect to youths who bully, the task force shall consider mental  
23           health treatment solutions which will accomplish but shall not be limited to the  
24           following:

25                   (a) Help the youth who bullies fully acknowledge the behavior.

26                   (b) Emphasize that the youth had other options, no matter what the  
27                   provocation, and that the youth is fully responsible for the decision made.

28                   (c) Confront excuses by the youth that minimize the behavior or externalize  
29                   the cause of the bullying behavior.

1           (d) Support parents and educators in holding these youths fully accountable  
2           for their actions and not suggesting or allowing rationalizations.

3           (e) Once the youth is able to recognize problems with the bullying behavior,  
4           help the youth set and work toward goals for change, including focusing on helping  
5           to discover the specific positive goals that the aggression is directed toward and  
6           finding other pathways to reach those goals, track progress toward new behaviors,  
7           and feel pride about those changes.

8           (f) Help adults in the youth's family and environment recognize and affirm  
9           the gradual progress the youth makes toward new nonaggressive behaviors.

10          (2) With respect to youths who are the victims of bullying, the task force  
11          shall consider mental health treatment solutions which will address issues, including  
12          but not limited to all of the following:

13               (a) Social isolation.

14               (b) Decreased academic performance.

15               (c) Anxiety.

16               (d) Depression.

17               (e) Low self-esteem or lack of self-confidence.

18               (f) Suicidal thoughts.

19          C. The task force may receive and expend funds appropriated or otherwise  
20          made available by the legislature or from any other source, including donations or  
21          gifts of money or services from public or private organizations or from any other  
22          sources, to be utilized for the purposes of the Chapter.

23          D.(1)(a) The task force shall provide each school district in the state with  
24          information regarding the policies adopted by the state pursuant to this Chapter. The  
25          task force shall also provide each school district with guidelines for identifying  
26          youths who bully and youths who are victims of bullying.

27               (b) The task force shall develop a model form for use by schools to obtain  
28          parental consent for a youth to receive treatment services implemented pursuant to  
29          this Chapter. The form shall include at a minimum all of the following:

- 1           (i) The youth's full name and address.
- 2           (ii) The school attended by the youth and the grade level of the youth.
- 3           (iii) The consenting parent's full name and address.
- 4           (iv) A statement granting permission from the parent for the youth to receive  
5 the treatment services along with a line for the parent to provide a signature and date.
- 6           (v) A brief summary and explanation of the treatment services available to  
7 the youth.
- 8           (vi) A space for the parent to provide details regarding the youth's  
9 experiences with bullying and any statement the parent would like to make regarding  
10 the youth's participation in the treatment services.
- 11           (vii) Contact information for the treatment services program to allow the  
12 parent to request additional information.

13           (2) Each school district in the state shall make the information provided by  
14 the task force regarding bullying awareness and treatment policies adopted by the  
15 state pursuant to this Subsection available to parents of youths who attend school in  
16 the district. Each school district shall also provide access to the form required by  
17 Paragraph (1) of this Subsection to any parent who requests the form.

18           §805. Report

19           The task force shall submit a report of its findings and recommendations,  
20 including proposed legislation if necessary, on an annual basis to the legislature not  
21 later than sixty days prior to the commencement of the regular legislative session.

22           §806. Cooperation by other state entities

23           A. All departments, commissions, boards, agencies, officers, and institutions  
24 of the state and all subdivisions thereof shall cooperate with the task force in  
25 carrying out the powers and purposes of this Chapter.

26           B. The Department of Health and Hospitals and the Department of Children  
27 and Family Services shall assist the task force in determining the availability of  
28 funding sources to carry out the purposes of this Chapter.

1 Section 2. R.S. 36:259(A) is hereby enacted to read as follows:  
 2 §259. Transfer of agencies and functions to Department of Health and Hospitals  
 3 A. The Louisiana Bullying Awareness and Treatment Task Force (R.S.  
 4 28:801 et seq.) is placed within the Department of Health and Hospitals and shall  
 5 exercise and perform its powers, duties, functions, and responsibilities in the manner  
 6 provided for agencies transferred in accordance with the provisions of R.S. 36:801.

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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)]

HB 1017 Original

2016 Regular Session

Norton

**Abstract:** Creates the La. Bullying Awareness and Treatment Task Force within the Dept. of Health and Hospitals.

Proposed law shall be known and may be cited as the "La. Bullying Awareness and Treatment Act".

The purpose of proposed law is to create the La. Bullying Awareness and Treatment Task Force (task force), to develop a comprehensive, coordinated plan to address the mental health needs of youths who are victims of bullying as well as youths who are involved in bullying, and to provide needed guidance to carry out the goals the task force shall recommend.

Proposed law provides that the task force shall consist of the following members:

- (1) The secretary of the Dept. of Health and Hospitals (DHH) or his designee.
- (2) The secretary of the Dept. of Children and Family Services (DCFS) or his designee.
- (3) The executive director of the La. chapter of the National Association of Social Workers or his designee.
- (4) The president of the La. Counseling Association or his designee.
- (5) The president of the La. Association for Behavioral Health or his designee.
- (6) The president of the La. School Counselor Association or his designee.
- (7) The president of the La. Association of Marriage and Family Therapy or his designee.
- (8) The deputy secretary of the Dept. of Public Safety and Corrections (DPS), youth services, office of juvenile justice or his designee.
- (9) The commissioner of the Dept. of Revenue, office of alcohol and tobacco control or his designee.

- (10) The state superintendent of education or his designee.
- (11) An education practitioner who has experience addressing the issue of bullying, designated by the state superintendent of education.
- (12) Four parents or other members of the public who have demonstrated a commitment to addressing the issue of bullying.
- (13) Two elected members of the La. House of Representatives appointed by the speaker of the House of Representatives.
- (14) Two elected members of the La. Senate appointed by the president of the Senate.

Proposed law provides that each of the four elected members of the legislature serving on the task force shall designate one of the parents or other members of the public provided for in proposed law.

Proposed law provides that the secretary of DHH or his designee, shall serve as chairman of the committee.

Proposed law provides that members of the task force shall serve three-year terms and shall hold office until the appointment and qualification of a successor, unless the member of the task force is an elected member of the legislature or otherwise serves by virtue of their state government position, then the term shall run concurrent with the member's office or the office of their designating or appointing authority.

Proposed law further provides that, whenever a vacancy occurs in a position, the vacancy shall be filled in the same manner and under the same terms and conditions as required for the original appointment.

Proposed law requires the task force to convene for its first meeting no later than Oct. 1, 2016. Proposed law further requires the members of the task force, at the first meeting, to elect a vice chairman and other officers as they may deem appropriate.

Proposed law authorizes legislative members of the commission to receive the same per diem and travel allowance for attending meetings of the task force or any meeting thereof as is normally provided for members of the legislature.

Proposed law provides that nonlegislative members of the task force shall receive no compensation for their services and shall serve at no expense to the state.

Proposed law provides that the task force shall be domiciled in Baton Rouge but may hold public meetings elsewhere in the state.

Proposed law requires the task force to meet every 60 days at such times and at places as it may designate. The task force may also hold additional meetings upon the call of the chairman or at the request of at least three members of the task force.

Proposed law requires a majority of the task force to constitute a quorum for the transaction of business. Proposed law further requires all official actions of the task force to require the affirmative vote of a majority of the members.

Proposed law requires the task force to make a thorough study of the feasibility and practicality of providing counseling and other treatment services to youths who are victims of bullying as well as youths who are involved in bullying. Proposed law authorizes the task force to render objective, fiscally feasible recommendations to the legislature for the implementation of policies that could be adopted by the state.

Proposed law requires the task force to consider mental health treatment solutions for youths who bully which will accomplish but shall not be limited to the following:

- (1) Help the youth who bullies fully acknowledge the behavior.
- (2) Emphasize that the youth had other options, no matter what the provocation, and that the youth is fully responsible for the decision made.
- (3) Confront excuses by the youth that minimize the behavior or externalize the cause of the bullying behavior.
- (4) Support parents and educators in holding these youths fully accountable for their actions and not suggesting or allowing rationalizations.
- (5) Once the youth is able to recognize problems with the bullying behavior, help the youth set and work toward goals for change, including focusing on helping to discover the specific positive goals that the aggression is directed toward and finding other pathways to reach those goals, track progress toward new behaviors, and feel pride about those changes.
- (6) Help adults in the youth's family and environment recognize and affirm the gradual progress the youth makes toward new, nonaggressive behaviors.

Proposed law requires the task force to consider mental health treatment solutions for youths who are victims of bullying to address issues, including but not limited to all of the following:

- (1) Social isolation.
- (2) Decreased academic performance.
- (3) Anxiety.
- (4) Depression.
- (5) Low self-esteem or lack of self-confidence.
- (6) Suicidal thoughts.

Proposed law authorizes the task force to receive and expend funds appropriated or otherwise made available by the legislature or from any other source, including donations or gifts of money or services from public or private organizations or from any other sources, to be utilized for the purposes of proposed law.

Proposed law requires the task force to provide each school district in the state information regarding the task force and its mission as well as guidelines on how to identify bullies and victims of bullying.

Proposed law requires the task force to develop a form and disseminate it to schools in order to obtain permission from parents to enable the task force to implement the assessment and treatment of youths who could benefit from the program. The form shall include the following:

- (1) The youth's full name and address.
- (2) The grade level and school he attends.
- (3) The consenting parent's name and address.

- (4) A statement from the parent which grants permission for services, with a signature line and date.
- (5) A brief summary and explanation of the treatment available to the youth.
- (6) A space for the parent to elaborate on the youth's experience with bullying and any statement the parent would like to make regarding the youth's participation in treatment services.
- (7) Contact information for the treatment services program to allow the parent to seek additional information.

Proposed law requires each school district to disseminate information provided by the task force regarding bullying awareness to parents and to make the form outlined in proposed law available to any parent who requests the form.

Proposed law requires the task force to submit a report of its findings and recommendations, including proposed legislation if necessary, on an annual basis to the legislature not later than 60 days prior to the commencement of the regular legislative session.

Proposed law requires all departments, commissions, boards, agencies, officers, and institutions of the state and all subdivisions thereof to cooperate with the task force in carrying out the powers and purposes of proposed law.

Proposed law requires DHH and the DCFS to assist the task force in determining the availability of funding sources to carry out the purposes of proposed law.

Proposed law places the La. Bullying Awareness and Treatment Task Force within DHH and authorizes the task force to exercise and perform its powers, duties, functions, and responsibilities in the manner provided for agencies transferred in accordance with the provisions of proposed law.

(Adds R.S. 28:801-806 and R.S. 36:259(A))