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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Cheryl Serrett.

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DIGEST

SB 358 Original

2022 Regular Session

Jackson

Present law requires the governing authority of each public elementary and secondary school to adopt a student code of conduct.

Present law additionally requires each student code of conduct to prohibit bullying.

Present law defines bullying and provides processes for reporting, investigating, and handling reports of bullying.

Proposed law retains present law. Proposed law renumbers and reorganizes the bullying provisions in a new separate section of law.

Proposed law requires all elementary and secondary schools to institute a program to prohibit and prevent bullying. Proposed law further requires the program to:

- (1) Define bullying.
- (2) Ensure each student, parent or legal guardian of a student, school administrator, teacher, school employee, and volunteer is aware of their duties and responsibilities relative to preventing and stopping bullying.
- (3) Provide 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 a process to investigate and report persons for failure to act.

Present law provides that a parent or legal guardian of an alleged victim who has had four or more separate instances of bullying reported which have not been investigated may exercise an option to have the student attend another school. Proposed law retains present law but removes the provision regarding the reports not being investigated by the school officials.

Proposed law provides that any teacher, counselor, bus operator, administrator, or other school employee, whether full- or part-time, who witnesses bullying or receives a firsthand report of bullying from a student and who fails to report such incident to the appropriate school administrator is guilty of a crime and, upon conviction, shall be fined not less than five hundred dollars.

Proposed law provides that 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 is guilty of a crime and, upon conviction, shall be fined not less than five hundred dollars.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 17:416(A)(1)(b)(ii) (intro para) and (c)(ii)(dd), (2)(a), and (A)(4) (intro para), (b), and (c), 416.13, 416.20(A), and 3996(B)(32); adds R.S. 17:416.14)