

2022 Regular Session

SENATE BILL NO. 358

BY SENATOR JACKSON

SCHOOLS. Provides relative to acts of bullying. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 17:416(A)(1)(b)(ii) (introductory paragraph) and (c)(ii)(dd),

3 (2)(a), and (4) (introductory paragraph), (b) and (c), 416.13, 416.20(A), and

4 3996(B)(32), and to enact R.S. 17:416.14, relative to bullying; to renumber and

5 reorganize present law relative to bullying; to require all elementary and secondary

6 schools to institute a program to prohibit and prevent bullying; to provide for fines

7 for failure to act; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 17:416(A)(1)(b)(ii) (introductory paragraph) and (c)(ii)(dd), (2)(a),

10 and (4) (introductory paragraph), (b) and (c), 416.13, 416.20(A), and 3996(B)(32) are hereby

11 amended and reenacted, and R.S. 17:416.14 is hereby enacted to read as follows:

12 §416. Discipline of students; suspension; expulsion

13 A.(1) * * *

14 (b) * * *

15 (ii) In addition to those procedures set forth in ~~R.S. 17:416.13~~ **R.S. 17:416.14**

16 regarding bullying, disciplinary action by a school employee may include but is not

17 limited to:

1 * * *

2 (c) * * *

3 (ii) * * *

4 (dd) The principal or designee shall follow all procedures set forth in ~~R.S.~~
5 ~~17:416.13~~ **R.S. 17:416.14** regarding bullying.

6 * * *

7 (2) As used in this Section:

8 (a) "Bullying" is defined in ~~R.S. 17:416.13~~ **R.S. 17:416.14**.

9 * * *

10 (4) The governing authority of each public elementary and secondary school
11 shall adopt such rules and regulations as it deems necessary to implement the
12 provisions of this Subsection and of ~~R.S. 17:416.13~~ **R.S. 17:416.14**. Such rules and
13 regulations shall include but not be limited to the following provisions:

14 * * *

15 (b) Procedures implementing the provisions of ~~R.S. 17:416.13~~ **R.S. 17:416.14**
16 regarding bullying.

17 (c) A procedure requiring that, within a reasonable period of time, a principal
18 shall review any such report and then act upon it as provided by this Section, or ~~R.S.~~
19 ~~17:416.13~~ **R.S. 17:416.14**, or explain the reasons for failing to act to the local
20 superintendent of schools or his designee and to the teacher, other school employee,
21 student, parent, or legal guardian reporting the violation.

22 * * *

23 §416.13. Student code of conduct; requirement; ~~bullying; prohibition; notice;~~
24 ~~reporting; accountability~~

25 A. ~~Code of Conduct~~. The governing authority of each public elementary and
26 secondary school shall adopt a student code of conduct for the students in the schools
27 under its jurisdiction. The code of conduct shall be in compliance with all existing
28 rules, regulations, and policies of the ~~school board~~ **local school governing authority**
29 and of the State Board of Elementary and Secondary Education and all state laws

1 relative to student discipline and shall include any necessary disciplinary action to
2 be taken against any student who violates the code of conduct.

3 B. ~~Bullying Policy.~~ (1) The governing authority of each public elementary
4 and secondary school shall adopt, and incorporate into the student code of conduct,
5 a policy prohibiting the bullying of a student by another student, which includes the
6 definition of bullying as provided in ~~Subsection C of this Section~~ R.S. 17:416.14.
7 This policy must be implemented in a manner that is ongoing throughout the school
8 year and integrated with a school's curriculum, a school's discipline policies, and
9 other violence prevention efforts.

10 **§416.14. Bullying; definition; prohibition; notice; reporting; accountability**

11 **A. For the purposes of this Title, "bullying" shall mean:**

12 **(1) A pattern of any one or more of the following:**

13 **(a) Gestures, including but not limited to obscene gestures and making**
14 **faces.**

15 **(b) Written, electronic, or verbal communications, including but not**
16 **limited to calling names, threatening harm, taunting, malicious teasing, or**
17 **spreading untrue rumors. Electronic communication includes but is not limited**
18 **to a communication or image transmitted by email, instant message, text**
19 **message, blog, or social networking website through the use of a telephone,**
20 **mobile phone, pager, computer, or other electronic device.**

21 **(c) Physical acts, including but not limited to hitting, kicking, pushing,**
22 **tripping, choking, damaging personal property, or unauthorized use of personal**
23 **property.**

24 **(d) Repeatedly and purposefully shunning or excluding from activities.**

25 **(2)(a) Where the pattern of behavior as provided in Paragraph (1) of this**
26 **Subsection is exhibited toward a student, more than once, by another student**
27 **or group of students and occurs, or is received by, a student while on school**
28 **property, at a school-sponsored or school-related function or activity, at any**
29 **designated school bus stop, in any school bus or any other school or private**

1 vehicle used to transport students to and from school or any school-sponsored
2 activity or event.

3 (b) The pattern of behavior as provided in Paragraph (1) of this
4 Subsection must have the effect of physically harming a student, placing the
5 student in reasonable fear of physical harm, damaging a student's property,
6 placing the student in reasonable fear of damage to the student's property, or
7 must be sufficiently severe, persistent, and pervasive enough to either create an
8 intimidating or threatening educational environment, have the effect of
9 substantially interfering with a student's performance in school, or have the
10 effect of substantially disrupting the orderly operation of the school.

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

13 (1) Define bullying as provided in Subsection A of this Section.

14 (2) Ensure each student, each student's parent or legal guardian, and
15 each school administrator, teacher, counselor, bus operator, school employee,
16 and volunteer is aware of his duties and responsibilities relative to preventing
17 and stopping bullying.

18 (3) Provide for a process for reporting and investigating alleged incidents
19 of bullying.

20 (4) Provide for appropriate discipline of a student found guilty of
21 bullying.

22 (5) Provide for appropriate remedies for a student found to have been
23 bullied.

24 (6) Provide for procedures for investigating and reporting each school
25 administrator, teacher, counselor, bus operator, and school employee for failure
26 to act as provided in Subsection I of this Section.

27 ~~(2)~~C. The governing authority of each public elementary and secondary
28 school shall:

29 ~~(a)~~(1) Conduct a review of the student code of conduct required by ~~this~~

1 Section **R.S. 17:416.13** and amend the code as may be necessary to assure that the
 2 policy prohibiting the bullying of a student by another student specifically addresses
 3 the behavior constituting bullying, the effect the behavior has on others, including
 4 bystanders, and the disciplinary and criminal consequences, and includes the
 5 definition of bullying as provided in Subsection ~~€~~ **A** of this Section.

6 ~~(b)~~**(2)** Create a program to provide a minimum of four hours of training for
 7 new employees who have contact with students and two hours of training each year
 8 for all school employees who have contact with students, including bus operators,
 9 with respect to bullying. The training shall specifically include the following:

10 ~~(i)~~**(a)** How to recognize the behaviors defined as bullying in Subsection ~~€~~ **A**
 11 of this Section.

12 ~~(ii)~~**(b)** How to identify students at each grade level in the employee's school
 13 who are most likely to become victims of bullying, while not excluding any student
 14 from protection from bullying.

15 ~~(iii)~~**(c)** How to use appropriate intervention and remediation techniques and
 16 procedures.

17 ~~(iv)~~**(d)** The procedures by which incidents of bullying are to be reported to
 18 school officials.

19 ~~(v)~~**(e)** Information on suicide prevention, including the relationship between
 20 suicide risk factors and bullying. This content shall be based on information
 21 supported by peer-reviewed research conducted in compliance with accepted
 22 scientific methods and recognized as accurate by leading professional organizations
 23 and agencies with relevant experience.

24 ~~C. Definition of Bullying. "Bullying" means:~~

25 ~~(1) A pattern of any one or more of the following:~~

26 ~~(a) Gestures, including but not limited to obscene gestures and making faces.~~

27 ~~(b) Written, electronic, or verbal communications, including but not limited~~
 28 ~~to calling names, threatening harm, taunting, malicious teasing, or spreading untrue~~
 29 ~~rumors. Electronic communication includes but is not limited to a communication~~

1 ~~or image transmitted by email, instant message, text message, blog, or social~~
2 ~~networking website through the use of a telephone, mobile phone, pager, computer,~~
3 ~~or other electronic device.~~

4 ~~(c) Physical acts, including but not limited to hitting, kicking, pushing,~~
5 ~~tripping, choking, damaging personal property, or unauthorized use of personal~~
6 ~~property.~~

7 ~~(d) Repeatedly and purposefully shunning or excluding from activities.~~

8 ~~(2)(a) Where the pattern of behavior as provided in Paragraph (1) of this~~
9 ~~Subsection is exhibited toward a student, more than once, by another student or~~
10 ~~group of students and occurs, or is received by, a student while on school property,~~
11 ~~at a school-sponsored or school-related function or activity, in any school bus or van,~~
12 ~~at any designated school bus stop, in any other school or private vehicle used to~~
13 ~~transport students to and from schools, or any school-sponsored activity or event.~~

14 ~~(b) The pattern of behavior as provided in Paragraph (1) of this Subsection~~
15 ~~must have the effect of physically harming a student, placing the student in~~
16 ~~reasonable fear of physical harm, damaging a student's property, placing the student~~
17 ~~in reasonable fear of damage to the student's property, or must be sufficiently severe,~~
18 ~~persistent, and pervasive enough to either create an intimidating or threatening~~
19 ~~educational environment, have the effect of substantially interfering with a student's~~
20 ~~performance in school, or have the effect of substantially disrupting the orderly~~
21 ~~operation of the school.~~

22 D. The State Board of Elementary and Secondary Education, in collaboration
23 with the state Department of Education, shall develop and adopt rules and
24 regulations to implement the provisions of this Section relative to the procedures and
25 processes to be used to report and investigate bullying and which shall include but
26 not be limited to:

27 (1) Notice to Students and Parents. The governing authority of each public
28 elementary and secondary school shall inform each student, orally and in writing at
29 the orientation required under R.S. 17:416.20, of the prohibition against bullying of

1 a student by another student, the nature and consequences of such actions, including
2 the potential criminal consequences and loss of driver's license as provided in R.S.
3 17:416.1, and the proper process and procedure for reporting any incidents involving
4 such prohibited actions. A copy of the written notice shall also be delivered to each
5 student's parent or legal guardian.

6 (2) Reporting. (a) The governing authority of each public elementary and
7 secondary school shall develop a procedure for the reporting of incidents of bullying.
8 This shall include a form for the purposes of bullying reports. The form shall include
9 an affirmation of truth of statement. Any bullying report submitted regardless of
10 recipient shall use this form, but additional information may be provided. The form
11 shall be available on the Department of Education's website **and the website of each**
12 **public elementary and secondary school.**

13 (b) Students and parents. Any student who believes that he has been, or is
14 currently, the victim of bullying, or any student, or any parent or **legal** guardian, who
15 witnesses bullying or has good reason to believe bullying is taking place, may report
16 the situation to a school official. A student, or parent or **legal** guardian, may also
17 report concerns regarding bullying to a teacher, counselor, other school employee,
18 or to any ~~parent chaperoning or~~ **chaperone** supervising a school function or activity.
19 Any report of bullying shall remain confidential.

20 (c) School personnel. Any teacher, counselor, bus operator, or other school
21 employee, whether full- or part-time, and any ~~parent chaperoning or~~ **chaperone**
22 supervising a school function or activity, who witnesses bullying or who learns of
23 bullying ~~from a student~~ pursuant to Subparagraph (b) of this Paragraph, shall report
24 the incident to a school official. A verbal report shall be submitted by the school
25 employee or the parent on the same day as the employee or parent witnessed or
26 otherwise learned of the bullying incident, and a written report shall be filed no later
27 than two days thereafter.

28 (d) Retaliation. Retaliation against any person who reports bullying in good
29 faith, who is thought to have reported bullying, who files a complaint, or who

1 otherwise participates in an investigation or inquiry concerning allegations of
2 bullying is prohibited conduct and subject to discipline. School and district resources
3 shall not be used to prohibit or dissuade any person who meets the specifications of
4 this Subparagraph.

5 (e) False Reports. Intentionally making false reports about bullying to school
6 officials is prohibited conduct and will result in the appropriate disciplinary measures
7 as determined by the governing authority of the school in accordance with the rules
8 and regulations of the State Board of Elementary and Secondary Education.

9 (3) Investigation Procedure. The State Board of Elementary and Secondary
10 Education shall develop and adopt a procedure for the investigation of reports of
11 bullying of a student by another student. The procedure shall include the following:

12 (a) Scope of investigation. An investigation shall include an interview of the
13 reporter, the **alleged** victim, the alleged bully, and any witnesses, and shall include
14 obtaining copies or photographs of any audio-visual evidence.

15 (b) Timing. The school shall begin an investigation of any complaint that is
16 properly reported and that alleges conduct prohibited in this Section the next
17 business day during which school is in session after the report is received by the
18 school official. The investigation shall be completed not later than ten school days
19 after the date the written report of the incident is submitted to the appropriate school
20 official. If additional information is received after the end of the ten-day period, the
21 school principal or his designee shall amend all documents and reports required by
22 this Section to reflect such information.

23 (c) Appeal. (i) If the school official does not take timely and effective action
24 pursuant to this Section, the student, parent **or legal guardian**, or school employee
25 may report the bullying incident to the ~~city, parish, or other local school board or~~
26 ~~local school governing authority.~~ The ~~school board or school~~ governing authority
27 shall begin an investigation of any complaint that is properly reported and that
28 alleges conduct prohibited in this Section the next business day during which school
29 is in session after the report is received by ~~a school board or~~ **the** governing authority

1 official.

2 (ii) If the ~~school board~~ **local school governing authority** does not take
3 timely and effective action, the student, parent **or legal guardian**, or other school
4 employee may report the bullying incident to the state Department of Education. The
5 department shall track the number of reports, shall notify in writing the
6 superintendent and the president of the school's governing authority, and shall
7 publish the number of reports by school district or governing authority on its website.
8 The department shall provide both the number of actual reports received and the
9 number of reports received by affected student.

10 (iii) For the purposes of this Section, a report means a written document that
11 meets the requirements of Subparagraph (2)(a) of this Subsection.

12 (d) Parental Notification. (i) Upon receiving a report of bullying, the school
13 official shall notify the ~~student's~~ parent or legal guardian **of each involved student**
14 according to the definition of notice created by the state Department of Education.

15 (ii) Under no circumstances shall the delivery of the notice to the parent or
16 legal guardian, which is required by this Subsection, be the responsibility of an
17 involved student. Delivery of the notice by an involved student shall not constitute
18 notice as is required pursuant to this Subsection.

19 (iii) Before any student under the age of eighteen is interviewed, his parent
20 or legal guardian shall be notified by the school official of the allegations made and
21 shall have the opportunity to attend any interviews with his child conducted as part
22 of the investigation. If, after three attempts in a forty-eight-hour period, the parents
23 or legal guardians of a student cannot be reached or do not respond, the student may
24 be interviewed.

25 (iv) The State Board of Elementary and Secondary Education, in
26 collaboration with the state Department of Education, shall develop a procedure for
27 meetings with the parent or legal guardian of the **alleged** victim and the parent or
28 legal guardian of the alleged perpetrator. This procedure shall include:

29 (aa) Separate meetings with the parents or legal guardians of the **alleged**

1 victim and the parents or legal guardians of the alleged perpetrator.

2 (bb) Notification of parents or legal guardians of the **alleged** victim and of
3 the alleged perpetrator of the available potential consequences, penalties, and
4 counseling options.

5 (cc) In any case where a teacher, principal, or other school employee is
6 authorized in this Section to require the parent or legal guardian of a student who is
7 under the age of eighteen and not judicially emancipated or emancipated by marriage
8 to attend a conference or meeting regarding the student's behavior and, after notice,
9 the parent, ~~tutor,~~ or legal guardian willfully refuses to attend, that the principal or his
10 designee shall file a complaint with a court exercising juvenile jurisdiction, pursuant
11 to Children's Code Article 730(8) and 731. The principal may file a complaint
12 pursuant to Children's Code Article 730(1) or any other applicable ground when, in
13 his judgment, doing so is in the best interests of the student.

14 (e) Disciplinary Action. If the school has received a report of bullying, has
15 determined that an act of bullying has occurred, and after meeting with the parent or
16 legal guardian of the students involved, the school official shall:

17 (i) Take prompt and appropriate disciplinary action, ~~pursuant to R.S. 17:416~~
18 ~~and 416.1,~~ against the student that the school official determines has engaged in
19 conduct which constitutes bullying, if appropriate.

20 (ii) Report criminal conduct to law enforcement, if appropriate.

21 (f) Parental Relief. (i) If a parent, legal guardian, teacher, or other school
22 official has made four or more reports of separate instances of bullying, as provided
23 in Paragraph (2) of this Subsection, ~~and no investigation pursuant to Paragraph (3)~~
24 ~~of this Subsection has occurred,~~ the parent or legal guardian with responsibility for
25 decisions regarding the education of the **alleged** victim about whom the report or
26 reports have been made may exercise an option to have the student enroll in or attend
27 another school operated by the governing authority of the public elementary or
28 secondary school in which the student was enrolled on the dates when at least three
29 of the reports were submitted.

1 (ii) The parent **or legal guardian** shall file a request with the **local school**
2 superintendent for the transfer of the student to another school under the governing
3 authority's jurisdiction.

4 (iii) The governing authority of the public elementary or secondary school
5 in which the student is enrolled shall make a seat available at another public
6 elementary or secondary school under its jurisdiction within ten school days of the
7 parent or legal guardian's request for a transfer. If the governing authority has no
8 other school under its jurisdiction serving the grade level of the **alleged** victim,
9 within fifteen school days of receiving the request, the superintendent or director of
10 the governing authority shall:

11 (aa) Inform the student and his parent or legal guardian and facilitate the
12 student's enrollment in a statewide virtual school.

13 (bb) Offer the student a placement in a full-time virtual program or virtual
14 school under the jurisdiction of the school's governing authority.

15 (cc) Enter into a memorandum of understanding with the superintendent or
16 director of another governing authority to secure a placement and provide for the
17 transfer of the student to a school serving the grade level of the **alleged** victim under
18 the jurisdiction of the **cooperating** governing authority, pursuant to R.S. 17:105 and
19 105.1.

20 (iv) If no seat or other placement pursuant to Item (iii) of this Subparagraph
21 is made available within thirty calendar days of the receipt by the **local school**
22 superintendent of the request, the parent or legal guardian may request a hearing with
23 the school's governing authority, which shall be public or private at the option of the
24 parent or legal guardian. The school's governing authority shall grant the hearing at
25 the next scheduled meeting or within sixty calendar days, whichever is sooner.

26 (v) At the end of any school year, the parent or legal guardian may make a
27 request to the governing authority of the school at which the student was enrolled
28 when at least three of the reports were filed to transfer the student back to the school.

29 The governing authority shall make a seat available at the school at which the student

1 was originally enrolled. No other schools shall qualify for transfer under this
2 Subparagraph.

3 (g) Documentation. (i) The state Department of Education shall develop a
4 behavior incidence checklist that the governing authority of each public elementary
5 and secondary school shall use to document the details of each reported incident of
6 bullying.

7 (ii) The governing authority of each public elementary and secondary school
8 shall report all such documented incidences of bullying to the state Department of
9 Education as prescribed in rules adopted by the State Board of Elementary and
10 Secondary Education in accordance with the Administrative Procedure Act and
11 documented incidents in reports received by the local superintendent of schools
12 pursuant to R.S. 17:415.

13 (iii) After the investigation and meeting with the parents **or legal guardians**
14 **of each involved student**, pursuant to this Section, a school, ~~local school board or~~
15 ~~other~~ **or** local school governing authority shall:

16 (aa) Compose a written document containing the findings of the
17 investigation, including input from the **involved** students' parents or legal guardian,
18 and the decision by the school or school system official. The document shall be
19 placed in the school records of ~~both students~~ **each involved student**.

20 (bb) Promptly notify the complainant of the findings of the investigation and
21 that remedial action has been taken, if such release of information does not violate
22 the law.

23 (cc) Keep complaints and investigative reports confidential, except as
24 provided in this Section and where disclosure is required to be made pursuant to 20
25 U.S.C. 1232g or by other applicable federal laws, rules, or regulations or by state
26 law.

27 (dd) Maintain complaints and investigative reports for three years in the event
28 that disclosure is warranted by law enforcement officials.

29 (ee) As applicable, provide a copy of any reports and investigative documents

1 to the governing authority of the school ~~in order that the governing authority can~~
2 ~~comply with the provisions of R.S. 17:416.1.~~

3 (ff) As applicable, provide a copy of any reports and investigative documents
4 to the state Department of Education. Upon receipt, the department shall remove any
5 reports related to the investigative documents from notation on the department's
6 website, but shall maintain a record of those reports for three years.

7 **(gg) As applicable, provide a copy of any reports and investigative**
8 **documents to the appropriate law enforcement officials.**

9 E. Parental Responsibilities. Nothing herein shall be deemed to interfere with
10 the authority and the responsibility that a parent or legal guardian has for the student
11 at all times, but particularly when the student is not on the school premises, is not
12 engaged in a school-sponsored function or school-sponsored activity, and is not
13 being transported by school-sponsored means of transportation.

14 F. This Section shall not be interpreted to conflict with or supercede the
15 provisions requiring mandatory reporting pursuant to Louisiana Children's Code
16 Article 609 and as enforced through R.S. 14:403.

17 G. Preclusion. (1) This Section shall not be interpreted to prevent a victim of
18 bullying, or his parent or legal guardian, from seeking redress under any other
19 available law, either civil or criminal.

20 (2) Nothing in this Section is intended to infringe upon the right of a school
21 employee or student to exercise their right of free speech.

22 H. Construction; equal protection. All students subject to the provisions of
23 this Section shall be protected equally and without regard to the subject matter or the
24 motivating animus of the bullying.

25 **I. The State Board of Elementary and Secondary Education shall adopt**
26 **rules to require all approved nonpublic schools to implement bullying policies**
27 **equivalent to those required of public schools.**

28 **J. Failure to act. (1) Any teacher, counselor, bus operator, administrator,**
29 **or other school employee, whether full- or part-time, who witnesses bullying or**

1 who receives a report of bullying from an alleged victim, and who fails to report
 2 the incident to a school official shall be investigated by the state Department of
 3 Education. Upon finding a reasonable expectation that the individual failed to
 4 act, the department shall report the incident to the district attorney with
 5 jurisdiction for the parish in which the school is located. Based on the severity
 6 of the bullying inflicted on the victim, the district attorney shall charge the
 7 individual who failed to act with either a misdemeanor or felony offense. Upon
 8 a conviction, the individual who failed to act shall be fined not less than five
 9 hundred dollars.

10 (2) Any school administrator or official who fails to notify a parent or
 11 legal guardian of a report of bullying, timely investigate a report of bullying,
 12 take prompt and appropriate disciplinary action against a student that was
 13 determined to have engaged in bullying, or report criminal conduct to the
 14 appropriate law enforcement official shall be investigated by the state
 15 Department of Education. Upon finding a reasonable expectation that the
 16 individual failed to act, the department shall report the incident to the district
 17 attorney with jurisdiction for the parish in which the school is located. Based on
 18 the severity of the bullying inflicted on the victim, the district attorney shall
 19 charge the individual who failed to act with either a misdemeanor or felony
 20 offense, and upon a conviction, shall be fined not less than five hundred dollars.

21 * * *

22 §416.20. Student conduct standards; awareness and understanding by students;
 23 required orientation; guidelines

24 A. In addition to any other requirements established by law, rule, or
 25 regulation relative to student discipline and conduct, the governing authority of a
 26 public elementary or secondary school shall require that every student be provided
 27 an orientation during the first five days of each school year regarding school
 28 disciplinary rules and provisions of the code of student conduct applicable to such
 29 students, including but not limited to the policy on bullying as provided in ~~R.S.~~

1 ~~17:416.13~~ **R.S. 17:416.14**. Orientation instruction shall be provided by the school
 2 principal or his designees and shall include but not be limited to consequences for
 3 failing to comply with such school disciplinary rules and code requirements,
 4 including suspension, expulsion, the possibility of suspension of a student's driver's
 5 license for one year as provided in R.S. 17:416.1, and the possible criminal
 6 consequences of violent acts committed on school property, at a school-sponsored
 7 function, or in a firearm-free zone. The orientation also shall clearly communicate
 8 to students the rights afforded teachers pursuant to R.S. 17:416.18 and other
 9 applicable law relative to the discipline of students.

10 * * *

11 §3996. Charter schools; exemptions; requirements

12 * * *

13 B. Notwithstanding any state law, rule, or regulation to the contrary and
 14 except as may be otherwise specifically provided for in an approved charter, a
 15 charter school established and operated in accordance with the provisions of this
 16 Chapter and its approved charter and the school's officers and employees shall be
 17 exempt from all statutory mandates or other statutory requirements that are
 18 applicable to public schools and to public school officers and employees except for
 19 the following laws otherwise applicable to public schools with the same grades:

20 * * *

21 (32) Procedures on bullying pursuant to ~~R.S. 17:416.13~~ **R.S. 17:416.14**.

22 * * *

23 Section 2. This Act shall become effective upon signature by the governor or, if not
 24 signed by the governor, upon expiration of the time for bills to become law without signature
 25 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 26 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 27 effective on the day following such approval.

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

DIGEST

SB 358 Engrossed

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 requires BESE to adopt rules to require all approved nonpublic schools to implement policies to prohibit bullying.

Proposed law requires BESE to investigate any report of 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. Further provides failure to report is a crime and that the district attorney shall determine whether to prosecute the crime as a misdemeanor or a felony based on the severity of bullying experienced by the victim, and provides that anyone found guilty of a crime of failure to report, upon conviction, shall be fined not less than five hundred dollars.

Proposed law requires BESE to investigate any report of a school administrator or official who has failed 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. Further provides failure to report is a crime and that the district

attorney shall determine whether to prosecute the crime as a misdemeanor or a felony based on the severity of bullying experienced by the victim, and provides that anyone found guilty of a crime of failure to report, 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)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Education to the original bill

1. Requires BESE to develop rules to ensure that approved nonpublic schools implement policies prohibiting bullying.
2. Provides relative to the crime of failure to report bullying.