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

## DIGEST 2022 Regular Session

Jackson

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

<u>Present law</u> additionally requires each student code of conduct to prohibit bullying.

<u>Present law</u> defines bullying and provides processes for reporting, investigating, and handling reports of bullying.

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

<u>Proposed law</u> 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.

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- (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.

<u>Present law</u> 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. <u>Proposed law</u> retains <u>present law</u> but removes the provision regarding the reports not being investigated by the school officials.

<u>Proposed law</u> requires BESE to adopt rules to require all approved nonpublic schools to implement policies to prohibit bullying.

<u>Proposed law</u> 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.

<u>Proposed law</u> 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.