

SENATE BILL NO. 450

BY SENATOR EDMONDS AND REPRESENTATIVES EDMONSTON, MARTINEZ,
OWEN, ST. BLANC AND TAYLOR

1 AN ACT

2 To amend and reenact R.S. 17:409.3(A) and (C), R.S. 29:726.6(B)(2), and R.S. 44:4.1(B)(9)
3 and to enact R.S. 17:409.3(D) and (E) and 416.16.2, relative to school safety; to
4 provide for mandatory reporting of certain threats of violence or terrorism; to
5 provide for physical security school assessments of certain elementary and secondary
6 schools; to provide with respect to public schools, charter schools, and nonpublic
7 schools; to provide for options of consideration; to provide for confidentiality; to
8 provide for limitation of liability; to provide with respect to the admissibility of
9 certain evidence; to provide with respect to grant programs for security measures;
10 to provide with respect to confidentiality of certain public records; to provide for
11 definitions; and to provide for related matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. R.S. 17:409.3(A) and (C) are hereby amended and reenacted and R.S.
14 17:409.3(D) and (E) and 416.16.2 are hereby enacted to read as follows:

15 §409.3. Mandatory reporting **of threats of violence or threats of terrorism**

16 A.**(1)** Any administrator, teacher, counselor, bus operator, or other school
17 employee, whether full-time or part-time, who learns of a threat of violence or threat
18 of terrorism, whether through oral communication, written communication, or
19 electronic communication, shall immediately report the threat to a local law
20 enforcement agency and, if the employee is not the school administrator, to the
21 school administrator.

22 **(2) A local law enforcement agency that receives a threat report pursuant**
23 **to this Section, shall report the threat to the Louisiana Fusion Center within**
24 **seven calendar days of receiving the threat. The report to the fusion center shall**
25 **not include personally identifiable information for any student or for any**
26 **person who reported the threat to law enforcement. The report to the fusion**

1 center shall only include information relative to the date of the threat, the type
 2 of threat reported, whether the threat was substantiated, and whether any
 3 arrests were made relative to the threat.

4 (3) The fusion center shall use the threat reports to collect data and
 5 analytics of threats of violence and terrorism for future preparedness.

6 * * *

7 C.(1) No person shall have a cause of action against any person for any action
 8 taken or statement made in adherence with the requirement for reporting as provided
 9 in this Subpart. However, the immunity from liability provided in this Subsection
 10 shall not apply to any action or statement if the action or statement was maliciously,
 11 willfully, and deliberately intended to cause harm to, harass, or otherwise deceive
 12 law enforcement or school officials.

13 (2) No person shall have a cause of action against any local law
 14 enforcement agency for not reporting the threat to the fusion center within
 15 seven calendar days of receiving the threat.

16 D. As used in this Section, "Louisiana Fusion Center" or "fusion center"
 17 means the Department of Public Safety and Corrections, office of state police,
 18 Louisiana State Analytical and Fusion Exchange.

19 E. The reports made to a law enforcement agency or the fusion center
 20 as described in Subsection A of this Section shall constitute records containing
 21 security procedures, investigative techniques, threat or vulnerability
 22 assessments collected or obtained in the prevention of terrorist-related activity
 23 or internal security information for purposes of R.S. 44:3(A)(3).

24 * * *

25 §416.16.2. Physical security school assessments; reports

26 A.(1) Each public elementary and secondary school in each city, parish,
 27 and other local public school district may obtain a physical security school
 28 assessment upon a request made to the fusion center.

29 (2) No assessment of a school may be conducted more than once every
 30 three years at each elementary or secondary public school, according to a

1 schedule approved by the fusion center.

2 (3) Notwithstanding any provision of law to the contrary, the fusion
3 center shall be required to conduct physical security school assessments only
4 within the limits of funds appropriated or otherwise made available for this
5 purpose and only to the extent that personnel and resources are available for
6 this purpose.

7 (4) A nonpublic school or charter school may obtain a physical security
8 school assessment upon a request made to the fusion center.

9 (5) The state Department of Education shall post on its website
10 information regarding the availability of physical security school assessments.

11 (6) The fusion center may include in its schedule of assessments available
12 time slots for which requested assessments may be conducted at nonpublic
13 schools or charter schools.

14 (7) The assessment by the fusion center shall be conducted at no costs to
15 the school, the school district, or the school's governing authority.

16 B. For purposes of this Section, the following terms shall have the
17 following meanings:

18 (1) "Fusion center" shall have the same meaning as defined in R.S.
19 17:409.3.

20 (2) "Options for consideration" means nonbinding upgrades that are
21 identified during a physical security school assessment that are intended to
22 assist school officials in evaluating potential actions to enhance campus safety
23 and security.

24 (3) "Physical security school assessment" or "assessment" means a site
25 visit conducted by the fusion center and any report based upon such visit that
26 is produced for the purpose of identifying safety or security vulnerabilities at
27 an elementary or secondary school in order to identify ways to enhance the
28 school's safety and security. The written report of the assessment shall include
29 options for consideration.

30 C. The assessments shall include but not be limited to the following:

1 (1) Crime Prevention Through Environmental Design (CPTED)
2 principles.

3 (2) Best practices from local, state, and federal partners in the
4 assessment process.

5 D. Upon completion of the assessment, the fusion center shall provide a
6 written report of its findings and options for consideration to the school's
7 emergency response coordinator and the principal. The findings in the written
8 report shall be aligned with state building codes and any safety rules adopted
9 by the state fire marshal in accordance with the Administrative Procedure Act.

10 E.(1) No school shall be required to implement or complete the options
11 for consideration included in the assessment provided by the fusion center in its
12 findings.

13 (2) A school that concurs with the fusion center's findings and options for
14 consideration may apply for grants under R.S. 29:726.6 to help defray the cost
15 of any security enhancements identified in the written report of the physical
16 security school assessment.

17 F. Physical security school assessments and all related reports, findings,
18 options for consideration, and any communications connected therewith, shall
19 constitute records containing security procedures, threat or vulnerability
20 assessments collected or obtained in the prevention of terrorist-related activity
21 or internal security information for purposes of R.S. 44:3(A)(3).

22 G.(1) The findings or options for consideration contained in a physical
23 security school assessment are advisory only and shall not create a legal duty or
24 standard of care. However, nothing in this Subsection is intended to prohibit the
25 use of a physical security school assessment as a defense as authorized in
26 Subsection J of this Section.

27 (2) No cause of action shall arise and no liability shall be imposed upon
28 any school, school district, charter school, nonpublic school, school governing
29 authority, the Louisiana Fusion Center, or any employee of the school, school
30 district, charter school, nonpublic school, school governing authority, or the

1 fusion center for any act or omission relating to a school's decision to obtain,
2 accept, reject, modify, delay, or decline to implement any finding, option for
3 consideration contained in, or related to, a physical security school assessment.

4 H. The reports, findings, conclusions, or any portion of a physical
5 security school assessment, including any options for consideration or other
6 provision of the assessment or any communication related thereto, shall be
7 deemed a confidential and privileged communication and shall not be:

8 (1) Subject to discovery, subpoena, or other compelled production in any
9 civil action or administrative proceeding.

10 (2) Admitted into evidence by the petitioner or intervener to establish a
11 standard of care, duty, or breach thereof in any civil action or administrative
12 proceeding. However, nothing in this Subsection is intended to prohibit the use
13 of a physical security school assessment as a defense as authorized in Subsection
14 J of this Section.

15 I. The immunity and confidentiality protections afforded by this Section
16 shall apply regardless of whether a school elects to seek, adopt, or decline any
17 provisions contained in a physical security school assessment or any option for
18 consideration.

19 J.(1)(a) Notwithstanding any other provision to the contrary, only the
20 school, school board, or school governing authority may offer into evidence the
21 physical security school assessment for the purposes of establishing a defense
22 against a cause of action for negligence or a breach of duty in a civil proceeding.
23 The school, school board, or school governing authority may introduce the
24 assessment in a summary proceeding or an ordinary civil proceeding.

25 (b) If the cause of action against the school is alleging an unsafe condition
26 on school property, a school, school board, or governing authority may elect to
27 introduce into evidence only that portion of the physical security school
28 assessment that is a defense against the alleged unsafe condition.

29 (2) A school's substantial compliance with the findings, options for
30 consideration, or standards identified in the assessment shall create a rebuttable

1 presumption that the school property was not unreasonably dangerous and that
2 the school exercised reasonable care with respect to the school's physical
3 security and safety.

4 (3) Evidence of actions taken by the school in reliance on, or in response
5 to, such assessment shall be admissible as a defense for the purpose of
6 demonstrating due diligence, reasonable care, and the absence of negligence.

7 K. Nothing in this Section shall be construed to impose a higher duty of
8 care upon a school, school board, or school governing authority than that which
9 is otherwise provided by law, nor be construed to create an independent cause
10 of action.

11 Section 2. R.S. 29:726.6(B)(2) is hereby amended and reenacted to read as follows:

12 §726.6. Fund and grant program for security measures; eligible applicants

13 * * *

14 B. * * *

15 (2) Eligible schools include public elementary or secondary schools in a city,
16 parish, or other local public school district or other political subdivision and
17 nonpublic schools approved by the State Board of Elementary and Secondary
18 Education pursuant to R.S. 17:11. Grant funding shall be prioritized for schools
19 seeking funds to implement any of the findings or options for consideration
20 identified in the written reports of physical security school assessments,
21 pursuant to R.S. 17:416.16.2.

22 * * *

23 Section 3. R.S. 44:4.1(B)(9) is hereby amended and reenacted to read as follows:

24 §4.1. Exceptions

25 * * *

26 B. The legislature further recognizes that there exist exceptions, exemptions,
27 and limitations to the laws pertaining to public records throughout the revised
28 statutes and codes of this state. Therefore, the following exceptions, exemptions, and
29 limitations are hereby continued in effect by incorporation into this Chapter by
30 citation:

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(9) R.S. 17:7.2, 46, 47, 81.9, 391.4, 407.28, 407.47, 407.65, 409.3, 416.16.1,
416.16.2, 500.2, 1175, 1202, 1237, 1252, 1948, 1989.7, 2047, 2048.31, 3099, 3100.8,
3136, 3137, 3138.12, 3390, 3703, 3773, 3884

* * *

Section 4. Nothing in this Act shall be construed to require any public school district to build or renovate any school building in violation of Article III, Section 12 of the Constitution of Louisiana which prohibits the enactment of local and special laws that require the repair or building of parish or city schoolhouses or the raising of money for such purposes.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____