

Regular Session, 2014

SENATE BILL NO. 370

BY SENATOR MORRELL

EDUCATION DEPARTMENT. Provides for the documentation, notification, and reporting of incidents of bullying in schools, and provides for the training of certain school employees with respect to bullying. (8/1/14)

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AN ACT

To amend and reenact R.S. 17:416.13(B), (D)(3)(d)(i) and (g), and (H), relative to bullying policies; to provide for annual reporting by the Department of Education; to provide for training of certain school employees with respect to bullying; to provide with respect to parental notification of bullying incidents; to provide for documentation of bullying incidents by certain school personnel; to provide for reporting requirements; to provide confidentiality requirements; to provide for the preservation of privacy rights of certain individuals; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:416.13(B), (D)(3)(d)(i) and (g), and (H) are hereby amended and reenacted to read as follows:

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

\* \* \*

B. Bullying Policy. (1) The governing authority of each public elementary and secondary school shall adopt, and incorporate into the student code of conduct, a policy prohibiting the bullying of a student by another student, which includes the

1 definition of bullying as provided in Subsection C of this Section. This policy must  
2 be implemented in a manner that is ongoing throughout the school year and  
3 integrated with a school's curriculum, a school's discipline policies, and other  
4 violence prevention efforts.

5 (2) The governing authority of each public elementary and secondary school  
6 shall:

7 (a) Conduct a review of the student code of conduct required by this Section  
8 and amend the code as may be necessary to assure that the policy prohibiting the  
9 bullying of a student by another student specifically addresses the behavior  
10 constituting bullying, the effect the behavior has on others, including bystanders, and  
11 the disciplinary and criminal consequences, and includes the definition of bullying  
12 as provided in Subsection C of this Section.

13 (b) Create a program to provide a minimum of four hours of training for new  
14 employees who have contact with students and two hours of training each year for  
15 all school employees who have contact with students, including bus drivers, with  
16 respect to bullying. The training shall specifically include the following:

17 (i) How to recognize the behaviors defined as bullying in Subsection C of  
18 this Section.

19 (ii) How to identify students at each grade level in the employee's school  
20 who are most likely to become victims of bullying, while not excluding any student  
21 from protection from bullying. **Annual data reported by the state Department of**  
22 **Education pursuant to Subsection D of this Section shall be used to provide**  
23 **school employees with information about bullying issues specific to their school**  
24 **site.**

25 (iii) How to use appropriate intervention and remediation techniques and  
26 procedures **and how to implement an age and developmentally appropriate**  
27 **prevention curriculum.**

28 (iv) **Internet safety and cyberbullying issues.**

29 (v) The procedures by which incidents of bullying are to be reported to

1 school officials.

2 ~~(v)~~(vi) Information on suicide prevention, including the relationship between  
3 suicide risk factors and bullying. This content shall be based on information  
4 supported by peer-reviewed research conducted in compliance with accepted  
5 scientific methods and recognized as accurate by leading professional organizations  
6 and agencies with relevant experience.

7 \* \* \*

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

13 \* \* \*

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

17 \* \* \*

18 (d) Parental Notification.

19 (i) Upon receiving a report of bullying, the school official shall notify the  
20 student's parent or legal guardian according to the definition of notice created by the  
21 state Department of Education; **however, the principal may exercise discretion as**  
22 **to the nature of the notification provided to a student's parent or legal guardian**  
23 **if he determines, upon careful deliberation of the circumstances and individuals**  
24 **involved, that parental notification may result in the physical or emotional**  
25 **harm of the victim of bullying. Prior to notification of any parent, legal**  
26 **guardian, or student regarding any incident of bullying, school officials must**  
27 **consider the issue of notification as they would any other educationally relevant**  
28 **decision, considering the age, health, well-being, safety, and privacy of any**  
29 **students involved in the incident. Once an investigation is concluded, the school**

1 shall take further steps as needed to ensure the continued safety of the victim.

2 \* \* \*

3 (g) Documentation. (i) The governing authority of each public  
4 elementary and secondary school shall collect, if applicable, information about  
5 reported incidents of bullying. This information shall be recorded by the school  
6 personnel submitting written reports of bullying and shall include but not be  
7 limited to the following:

8 (aa) Names of the victim, the bully, and any witness and reliable contact  
9 information for each.

10 (bb) Relevant information about the victim, the bully, and any witnesses  
11 including connection of the victim, the bully, and any witness to the incident.

12 (cc) The location and time of the incident, whether adult supervision was  
13 in place, and the names of school staff members who were witnesses to the  
14 incident, if applicable.

15 (dd) Any other relevant information required to be collected by state or  
16 federal education authorities, including but not limited to the biennial United  
17 States Department of Education Civil Rights Data Collection survey.

18 (ii) The state Department of Education shall develop a behavior incidence  
19 checklist that the governing authority of each public elementary and secondary  
20 school shall use to document the details of each reported incident of bullying.

21 ~~(ii)~~(iii) The governing authority of each public elementary and secondary  
22 school shall report all such documented incidences of bullying to the state  
23 Department of Education as prescribed in rules adopted by the State Board of  
24 Elementary and Secondary Education in accordance with the Administrative  
25 Procedure Act and documented incidents in reports received by the local  
26 superintendent of schools pursuant to R.S. 17:415.

27 (iv) Beginning with the 2015-2016 school year and continuing annually  
28 thereafter, the state Department of Education shall publish reports including  
29 school- and district-level statistics regarding bullying incidents based on the

1        **data reported by the governing authority of each public elementary and**  
 2        **secondary school pursuant to items (aa) through (dd) of this Subparagraph. To**  
 3        **ensure confidentiality, published reports based on this data shall not include**  
 4        **identifying information about individual students involved in a bullying**  
 5        **incident, and data shall be reported only in the aggregate.**

6                ~~(iii)~~**(v)** After the investigation and meeting with the parents, pursuant to this  
 7        Section, a school, local school board or other local school governing authority shall:

8                (aa) Compose a written document containing the findings of the  
 9        investigation, including input from the students' parents or legal guardian, and the  
 10       decision by the school or school system official. The document shall be placed in the  
 11       school records of both students.

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

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

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

21               (ee) As applicable, provide a copy of any reports and investigative  
 22       documents to the governing authority of the school in order that the governing  
 23       authority can comply with the provisions of R.S. 17:416.1.

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

28                                \*        \*        \*

29               H. Construction; equal protection. All students subject to the provisions of

1 this Section shall be protected equally and without regard to the subject matter or the  
 2 motivating animus of the bullying. **No provision of this Section shall be construed**  
 3 **to prevent the collection and reporting of educationally relevant data regarding**  
 4 **bullying incidents provided that such reporting does not violate the equal**  
 5 **protection or privacy rights of students or school personnel.**

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

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#### DIGEST

Morrell (SB 370)

Present law requires the governing authority of each public elementary and secondary school to create a training program for school employees with respect to bullying. Requires such training to include how to identify students at each grade level who are most likely to become victims of bullying while not excluding any student from protection from bullying.

Proposed law retains present law and requires the department to provide school employees with annual data regarding bullying incidents specific to their school site.

Present law requires such training to include how to use appropriate intervention and remediation techniques and procedures.

Proposed law retains present law and requires the training to include how to implement an age and developmentally appropriate prevention curriculum, Internet safety and cyberbullying issues.

Present law requires school officials to notify a student's parent or legal guardian upon receiving a report of bullying.

Proposed law retains present law and authorizes a principal to use his discretion regarding such notification if he determines it may result in physical or emotional harm to a victim of bullying. Requires school officials to consider the age, health, well-being, safety, and privacy of any students involved in a bullying incident prior to notifying the parent or legal guardian of any student involved in such incident. Requires school officials to ensure the continued safety of the victim once an investigation has been concluded.

Proposed law requires the governing authority of each public elementary and secondary school to collect, if applicable, information about reported incidents of bullying and requires such information to be recorded by the school personnel submitting written reports of bullying. Requires the information collected to include:

- (1) Names of the victim, the bully, and any witness and reliable contact information for each.
- (2) Relevant information about the victim, the bully, and any witnesses including connection of the victim, the bully, and any witness to the incident.
- (3) The location and time of the incident, whether adult supervision was in place, and the names of school staff members who were witnesses to the incident, if applicable.
- (4) Any other relevant information required to be collected by state or federal education authorities, including but not limited to the biennial United States Department of

Education Civil Rights Data Collection survey.

Proposed law provides that beginning with the 2015-2016 school year and continuing annually thereafter, the department is required to publish reports including school- and district-level statistics regarding bullying incidents based on the data reported by the governing authority of each public elementary and secondary school pursuant to proposed law. Prohibits such published reports from including identifying information about students involved in a bullying incident in order to ensure confidentiality. Requires the data to be reported only in the aggregate.

Present law requires equal protection of all students without regard to the subject matter or the motivating animus of the bullying. Proposed law provides that no provision of proposed law be construed to prevent the collection and reporting of educationally relevant data regarding bullying incidents provided that such reporting does not violate the equal protection or privacy rights of students or school personnel.

Effective August 1, 2014.

(Amends R.S. 17:416.13(B), (D)(3)(d)(i) and (g), and (H))