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

DIGEST

SB 358 Reengrossed

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.

Present law 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. <u>Proposed law</u> 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.

<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 the state Department of Education 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 requires the governing authority to suspend the individual who failed to report an incident without pay. Provides that the length of the suspension shall be based on the severity of the bullying incident.

<u>Proposed law</u> requires the state Department of Education 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 requires the governing authority to suspend the individual who failed to report an incident without pay. Provides that the length of the suspension shall be based on the severity of the bullying incident.

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.

Senate Floor Amendments to engrossed bill

- 1. Makes technical changes.
- 2. Removes crime for failing to report and instead provides that such individuals shall be suspended without pay.
- 3. Removes making faces from the definition of bullying.